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THE HISTORY

OF

ANDERSON COUNTY,

KANSAS,

FROM ITS FIRST SETTLEMENT TO THE FOURTH  
OF JULY, 1876.

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BY

W. A. JOHNSON,

CHAIRMAN OF HISTORICAL COMMITTEE.

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PUBLISHED BY  
KAUFFMAN & ILER, GARNETT PLAINDEALER,  
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## CITIZENS' MEETINGS.

On the 13th day of May, A. D. 1876, there was a meeting of citizens of Anderson county at the county hall in Garnett (commonly known as the "old settlers' meeting"), for the purpose of taking the necessary steps to prepare, compile and publish a full and complete history of the county from its earliest settlement to the 4th day of July, 1876.

At this meeting a committee of sixteen persons, selected from different parts of the county, was appointed, and instructed to collect all matters and items of interest in their respective localities, and report at a future meeting. The following are the names of the gentlemen appointed: W. A. Johnson, S. Kauffman, A. Simons, J. W. Vaughn, John Moler, B. M. Lingo, J. H. Wolken, Zar Bennett, A. G. West, T. J. Day, M. E. Osborn, Wm. Denny, C. E. Dewey, Preston Bowen, J. Y. Campbell, I. P. Sutton.

This committee organized by the election of Solomon Kauffman, chairman, and Charles E. Dewey, secretary, and adjourned to meet on the following Saturday, May 20, to receive reports from the several members thereof.

At the adjourned meeting of the committee, May 20, an executive committee was appointed, consisting of W. A. Johnson, A. Simons, J. Y. Campbell, Dr. Preston Bowen, Charles E. Dewey and Solomon Kauffman, who were instructed by the

original committee to receive the reports of members of the historical committee, and to collect from all available sources all facts and matters of interest necessary to form the basis of the history, to write up, compile and prepare the same for publication, delegating to the executive committee full authority to select from their number, or outside of the committee, a suitable person or persons as historians to write up and prepare the same for publication, and to publish the history in book or pamphlet form.

The committee organized by the election of W. A. Johnson, chairman, and Solomon Kauffman, secretary, and proceeded to appoint the necessary committees, and to apportion the work among them.

At a subsequent meeting of the executive committee (June 24), W. A. Johnson was selected as the historian, to compile and write up from the material furnished, and from the records and other sources, and complete the history, the committee to give every assistance in their power in the collection of material for the same.

The manuscript being prepared and ready for publication, a meeting of the executive committee was called (January 27, 1877), to provide for its publication. There being no funds in the hands of the committee, the following proposition, presented by the firm of Kauffman & Iler, was accepted:

"That if the executive committee will turn over to Kauffman & Iler a subscription list of 125 books, at \$1.25 per copy, that they will publish 500 copies of the history, of the style heretofore agreed upon, cloth binding, and of the manuscript prepared by W. A. Johnson, and supposed to make about 250 pages, and will sell the same at \$1.25 per copy, without any further expense to the said committee."

W. A. JOHNSON, Chairman.

SOLOMON KAUFFMAN, Secretary.

## ANDERSON COUNTY.

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Anderson county is located in the second tier of counties west from Missouri, fifty miles south of the Kansas river, and seventy miles north of the Indian Territory. It is twenty-four miles square, contains five hundred and seventy-six square miles, and is well supplied with water by the following streams: North Pottowatomie, flowing across the northern portion, with the following tributaries in the north and west: Sac creek, Ianthé creek, Kenoma creek, Elm creek, Thomas creek and Cherry creek: Cedar creek and South Pottowatomie, rising in the central portion, flowing north into the North Pottowatomie; Sugar creek with its numerous branches, in the eastern portion, flowing east into Linn county; the Little Osage river, with its numerous tributaries, in the southeast, flowing southeast through Bourbon county; Deer and Indian creeks, flowing south through Allen county. These are all streams of pure, living water, abounding with fine fish. Along most of these streams abundance of good timber is found, consisting of black walnut, burr oak, red oak, hickory, elm, hackberry, sycamore, hard and soft maple, basswood, cottonwood, wild cherry, locust

and mulberry. The alluvium or bottom prairies are found along all of these streams, being as fine quality of land as can be found in the State, the soil being from two to five feet deep. The general surface of the country is a gentle, rolling prairie, with a few steep hills or bluffs, interspersed with many beautiful mounds and high ridges. The soil is of fine quality, and is admirably adapted to the growing of the cereals, fruit, hemp, flax, tobacco, potatoes, castor beans, broom corn and every variety of products commonly grown in this latitude.

A superior quality of sand stone, for building purposes, is found in the western and central parts of the county. Limestone is found in most portions. A fair quality of stone coal is found in the north-western and southeastern portions.

Bottom land, 10 per cent. ; upland, 90 per cent. ; timber, 6 per cent. ; prairie, 94 per cent. ; average width of bottom, about two miles.

A more specific description of the different portions of the county will be found in the chapters relating to the different townships.



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## INTRODUCTION.

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On the 24th of June, 1876, I was selected by the historical committee to write out and prepare for publication a history of the county from its first settlement to the present time. I accepted the appointment, and at once entered upon the work of collecting the incidents connected with the settlement of the territory now embraced within the limits of Anderson county. The settlement of this portion of the Territory followed so closely on the passage by Congress of the Kansas-Nebraska bill, with the repeal of the Missouri compromise, that many incidents of the early struggles of this section have undergone Congressional investigations, and have consequently already passed into our national history.

In order to give a full and complete history of the first settlement of the county, I commenced with the settlement of the Pottowatomie Indians, in 1837, and their numerous settlements along the Pottowatomies since, with their removal, and the first white settlements, in 1854, and have carefully written up the many thrilling adventures and hardships encountered by the bold and hardy pioneers who left their homes in civilized communities and took up their line of march in covered wagons, across the pathless prairies and through the wild jungles that lay in their course, until their arrival at their new and romantic settlements, where they intended to make their future homes, and to help open up the wild prairies and beautiful valleys and establish freedom, and make it a civilized community and a desirable country for future generations. The bitter controversy between contending parties in the first settlement of the Territory—one intent upon establishing a government for the new State recognizing and sustaining the institution of slavery; the other contending for a government recognizing the freedom of all mankind, as free and equal under the law—has been touched upon. I have also given the first settlements in the different portions of the county; the selection of townsites, their settlement

and progress, or decline, as the facts required; the location and settlement of different colonies, with a brief sketch of the more noted settlers prior to 1860; the many elections in Territorial days; mass meetings, political conventions, railroad meetings, organization of railroad companies, locating roads and postoffices, location of county seats, first term of court, and the manner in which business was conducted in the courts for several years; dividing the county into municipal townships and school districts, the building of school houses, church organizations and building church edifices, giving names of the successive state senators, representatives, judges of the district court and county officers, from the organization of the county to the present time, with dates of election or appointment, and the time served by each; a brief statement of the organization of each township, its settlements and successive township officers; also, a synopsis of seasons, crops, visitation of locusts or grasshoppers, Spanish fever among cattle, and the full particulars of all the murders and murder trials in the county. I have carefully prepared a list of the names of the brave men who served in the army for the suppression of the rebellion, giving the company and regiment in which each served; also the names of the heroic dead who sacrificed their lives in the service of their country.

I have endeavored to furnish a true and impartial history of the county from its first settlement to the present, and in as brief a manner as possible to do justice to all. In the preparation of this history, I collected the facts from the imperfect and partial records of the county, and detached papers in the county offices, from files of old newspapers, old letters, and from the recollection of many of the early settlers, as well as my own recollection.

The design of this history is to preserve for the people of Anderson county an imperishable record of its early history, now existing only in the memory of its earliest settlers and in scattered and detached papers and records, which are now fast wasting away.

I have tried to avoid partiality or favor to any particular person or place. What I have written has been with a desire to present the facts, and I now present these matters to the public for their candid perusal and unbiased judgment, hoping that it will meet the approval of my fellow citizens who have helped contribute to the transactions that go to make up this history. W. A. JOHNSON.

# HISTORY OF ANDERSON COUNTY, KANSAS.

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## CHAPTER I.

*History of the First Settlement by the Pottowatomie Indians, in 1837—Their Removal, in 1854—First Settlement by Whites, in 1854.*

IN 1837 the United States removed the Pottowatomie Indians of Indiana to a tract of country on the Osage river, sufficient in extent and in every way adapted to their habits and necessities. When they arrived on the Osage, or Marais des Cygne, river a reservation of ten miles square had been set off near Osawatomie, as a missionary reserve for the various Indian tribes settled on the Osage river. The early maps of Kansas Territory show the location of this reservation. The Pottowatomie Indians had their principal village at what is now known as Dutch Henry crossing of the Pottowatomie, a stream that waters the entire northern portion of Anderson

county, which received its name from the Pottowatomie tribe, on their first arrival in the Territory.

Soon after they were located here they began to extend their settlement south and west, along the several tributaries of the Pottowatomie. In 1838 they made some improvements on the present townsite of Greeley; and in the neighborhood above they built some bark shanties, put some small pieces of land in cultivation, and planted some peach trees. This was the first settlement of any kind in the territorial limits of what now constitutes Anderson county.

The Pottowatomies remained in this locality until the spring of 1854, when they were removed to that portion of country known as Pottowatomie county, where they owned a large tract of land. These Indians had numerous missionaries of the Baptist and Methodist denominations stationed among them.

When the first whites settled in Anderson county, in the spring of 1854, they found some of the Indian cabins, and old fields that they had cultivated. Some of their peach trees remained on the creek for several years afterward.

In the early part of May, 1854, the first white settlements were commenced on the Pottowatomie, in the neighborhood where the town of Greeley is now situated. Valentine Gerth and Francis Myer were the first white settlers in the territory now included in Anderson county. They came from Missouri, and settled on the present townsite of Greeley,

early in May, and planted a crop of corn, on an old Indian field, and raised a fair crop therefrom. They were young men, without families. Henry Harmon came with his family, and settled near the junction of the Pottowatomies, north of the present town of Greeley. He came a few days later than Gerth and Myer. Oliver P. Ran settled in the Sutton valley the same spring. During the summer and fall following a few more settlers came and made settlement in the same neighborhood, among whom were Henderson Rice, J. S. Waitman, W. D. West, Thos. Totton, Anderson Cassel and Dr. Rufus Gilpatrick.

In the winter of 1854 and 1855 a number of Germans from St. Louis, Mo., came to the Territory and located on the South Pottowatomie, above Greeley—took claims, and built several cabins of poles. These cabins extended as far up the stream as the timber was desirable—they selected the most desirable timber claims on the creek. They returned to St. Louis early in the spring of 1855, but, on account of the troubles in the Territory, they never came back; and the settlers who came in the spring and summer of 1855 moved into their cabins and occupied their claims.

In the spring of 1854, after the Indians had removed from the Pottowatomie, the territory now embraced within the limits of Anderson county was entirely uninhabited; not a human being resided within any portion of its territory; it was one vast unoccupied space. Not a single road entered its



territorial domain to guide the lonely emigrant in search of a home, or to direct his weary footsteps over the prairies, or to disclose to him the places to cross the streams. The Indians, their missionaries, their traders, and the general loafers around Indian camps, had all gone. Everything about their former abode was dismal, and a gloomy solitude pervaded the former homes of the noble red men of the forest.

The prairie had put on its green vesture, the trees were just putting forth their foliage, the beautiful landscapes were clothed in their habiliments of green, the breezes were freighted with the fragrance of the numerous wild flowers—all combined to make it a most desirable location ; and when the emigrant in search of a new home came in sight of these beautiful scenes, he exclaimed, I have found the place where I will make my future home ; here will I settle, erect my dwelling house, make a farm, call my family around me—will help build up a prosperous country. We find everything in nature here to make being happy and life desirable.

J. G. Whittier, in his poem entitled “The Kansas Emigrants,” has most beautifully described the feelings and sentiments of the early emigrants :

#### THE KANSAS EMIGRANTS.

We cross the prairie as of old  
The pilgrims crossed the sea,  
To make the West, as they the East,  
The homestead of the free!

We go to rear a wall of men  
On Freedom's southern line,  
And plant beside the cotton tree  
The rugged Northern pine!

We're flowing from our native hills  
As our free rivers flow;  
The blessing of our mother-land  
Is on us as we go.

We go to plant her common schools  
On distant prairie swells,  
And give the Sabbaths of the wild  
The music of her bells.

Upbearing, like the Ark of old,  
The Bible in our van,  
We go to test the truth of God  
Against the fraud of man.

No pause, nor rest, save where the streams  
That feed the Kansas run,  
Save where our Pilgrim gonfalon  
Shall flout the setting sun!

We'll tread the prairie as of old  
Our fathers sailed the sea,  
And make the West, as they the East,  
The homestead of the free!

## CHAPTER II.

*Organization of the Territory—The Several Elections in 1855-6—Organization of Anderson County, January 7, 1856.*

THE bill organizing the Territories of Nebraska and Kansas passed Congress May 24, 1854, and was signed by Franklin Pierce, President, on the 30th of the same month.

On the 29th day of June President Pierce commissioned Andrew H. Reeder as Governor, and Daniel Woodson as Secretary of the Territory of Kansas. Reeder qualified as Governor on the 7th of July, by taking the oath of office before Peter V. Daniels, one of the Justices of the United States Supreme Court, in Washington, D. C.

On the 7th of October Gov. Reeder arrived in Kansas, and established the executive office at Fort Leavenworth.

On November 8 the Territory was divided into sixteen election districts by the Governor. The territory which is now included in Anderson county was in the Fifth district, which had four voting precincts, as follows: Bull Creek, Pottowatomie Creek, Big Sugar Creek and Little Sugar Creek. The Pottowatomie precinct was located at the house of



Henry Sherman, near what is known as Dutch Henry crossing of the Pottowatomie, in Franklin county.

The first election ever held in the Territory was on the 29th of November, 1854. This was an election for a delegate to Congress. At this election there were 63 Pro-Slavery and 4 Free State votes cast at the Pottowatomie precinct. The following persons of Anderson county voted at this election: Henderson Rice, J. S. Waitman, W. D. West and Thomas Totton.

On the 22d day of January, 1855, Gov. Reeder issued precepts to certain persons to take a census of the Territory. The census of this district was taken by C. W. Babcock. The following were the names returned from Anderson county: Francis Myer, Valentine Gerth and John C. Clark.

On the 28th of February Gov. Reeder issued a proclamation calling an election for members of a Territorial Legislature to be held March 30, 1855. The following persons were elected from the Fifth district: A. M. Coffey and David Lykins, as councilmen, and Allen Wilkerson and H. W. Yonger as members of the House of Representatives. The following persons voted, at this election, from Anderson county: A. Cassel, V. Gerth and Henry Harmon. This election was held at the house of Henry Sherman. There were at this time about 50 legal votes in the precinct, and the poll-book returned to the Governor showed 199 Pro-Slavery

votes from the precinct. Most of the legal voters did not attend the polls, considering the election a farce. A majority of those who did vote were resident voters of Missouri, who returned homeward on the next day. They came on horseback, in wagons and carriages, well supplied with whisky, bowie-knives, shot-guns and revolvers. The motley crowd was composed of perhaps the most heterogeneous mass of living humanity that could be collected in any country. Some came for political purposes—to make Kansas a slave State: some, to drive out the “cursed Yankees,” whom they regarded as negro thieves: some, for the love of adventure: and some with the intention of taking a claim; but far the greater number came with the promise of all the land they needed, and plenty of whisky and bacon on the journey.

This election for councilmen and representatives was carried overwhelmingly by the Pro-Slavery party, and placed the political power of the Territory in the hands of our Missouri neighbors.

The Legislature thus elected convened at Pawnee City, on the Kansas river, about one hundred miles west from the Missouri border. It was immediately adjourned, over the Governor’s veto, to the Shawnee Manual Labor School Mission, three miles west of Westport, Mo., and there passed the first code of laws for the Territory, commonly known as the “bogus laws.”

On the 1st day of October, 1855, an election was

held for the election of a delegate to Congress. There were only nine votes polled at the Pottowatomie precinct. At this election Andrew H. Reeder and J. H. Whitfield were the candidates. Whitfield received the entire vote at Pottowatomie precinct. The Free State men did not participate in this election. The only person voting from Anderson county at this election was Geo. Wilson. Samuel Mack was one of the judges of the election, but refused to vote, deeming the election a farce, and an outrage on the Free State men of the Territory, as all the elections had been carried by fraud of the most outrageous kind.

The Territorial Legislature of 1855 defined the boundaries of the county. Up to that time there had been no county lines established, and elections had been held by districts established by the Governor.

The boundary of Anderson county was established as follows: Beginning at the southeast corner of Franklin county, at the northeast corner of section 22, township 19, range 21; thence south 24 miles, to the southeast corner of section 15, township 23, range 21; thence west 24 miles, to the southwest corner of section 14, township 23, range 17; thence north 24 miles, to the northwest corner of section 23, township 19, range 17; thence east 24 miles, to the place of beginning; containing an area of 576 square miles. The territory so bounded and designated was then named Anderson county, in respect of one Jos. C. Anderson, speaker pro tem. of the House of the

“bogus” Legislature, and member from the Sixth, or Fort Scott, district. Anderson was a young lawyer, lived in Lexington, Mo., and was a handy tool for the Pro-Slavery party, and always ready to do their dirty work.

The Territorial Legislature having defined the boundaries of the several counties, it then provided the manner for the organization of counties, and for the election of county officers.

At this session of the Legislature it elected Geo. Wilson, in joint session, as probate judge of Anderson county. Wilson was then a citizen of St. Louis, Mo., and a pliant tool of the slave power. On the 27th day of August, 1855, Daniel Woodson, Secretary, and acting Governor of Kansas Territory, commissioned George Wilson probate judge of Anderson county, for a term of two years. On the 1st day of September, 1855, Geo. Wilson took and subscribed the following oath of office :

“United States of America, Territory of Kansas, set.

“I, George Wilson, do solemnly swear, upon the Holy Evangelists of Almighty God, that I will support the constitution of the United States, and that I will support and sustain the provisions of an act entitled ‘An act to organize the Territories of Nebraska and Kansas,’ and the provisions of the law of the United States, commonly known as the fugitive slave law, and faithfully and impartially, to the best of my ability, demean myself in the discharge of my duties in the office of probate judge, so help me God.

“GEORGE WILSON.

“Sworn and subscribed before me, this 1st day of September, 1855.

DANIEL WOODSON,

“Acting Governor.”

Wilson was the first officer commissioned for the county. A few days after he received his commission and qualified he started for the county, and arrived at Henry Sherman's house, in Franklin county, on the 10th of September, where he remained until the 15th, when he set out for the house of Francis Myer, near where the town of Greeley is now situated. Wilson had designated Francis Myer's house as the temporary county seat of Anderson county. He had notified William R. True and John C. Clark, who had been appointed county commissioners, and A. V. Cummings, who had been appointed as sheriff, to meet with him at Francis Myer's on the 15th of September, for the purpose of organizing the county; but both True and Clark, and also Cummings, refused to accept the appointment, and Wilson had to defer his attempt to organize the county. He made several attempts to have the persons so appointed qualify, but they refused. Cummings was a resident of Bourbon county, and never had been a citizen of Anderson. After Wilson had failed to get the commissioners, or either of them, to qualify, on the 30th day of October he made a personal appeal to Wilson Shannon, who had, in the meantime, been appointed Governor, for assistance to organize the county; and Shannon thereupon commissioned Francis Myer and F. P. Brown as county commissioners, and Henderson Rice as sheriff.

On the 2d day of January, 1856, Francis Myer took and subscribed the following oath of office:



"United States of America, Territory of Kansas, set.

"I, Francis Myer, do solemnly swear, upon the Holy Evangelists of Almighty God, that I will support the constitution of the United States, and that I will support and sustain the provisions of an act entitled 'An act to organize the Territories of Nebraska and Kansas,' and the provisions of the law of the United States, commonly known as the fugitive slave law, and faithfully and impartially, and to the best of my ability, demean myself in the discharge of my duties in the office of commissioner of the county of Anderson.

FRANCIS MYER.

"Subscribed and sworn to before me, this 2d day of January, 1856.

GEORGE WILSON,

"Judge of Probate."

January 7, 1856, George Wilson, probate judge, and Francis Myer, met in session at Francis Myer's house, the temporary county seat, George Wilson as president of the board of commissioners, and Francis Myer as member, for the purpose of organizing the probate and commissioners' court, which they did in a very irregular manner. F. P. Brown, the other person who had been commissioned as commissioner, and Henderson Rice, who had been commissioned as sheriff, were neither present, and neither of them accepted the commission so tendered them. The organization of Anderson county dates from the 7th day of January, 1856. The business of the probate and commissioners' court was conducted for some years thereafter in a very loose and careless manner.

## CHAPTER III.

*Appointment of County Officers—Locating First County Road—Locating Permanent County Seat—First Term of District Court—Organizing Pottowatomie Rifle Company—They break up Cato's Court, at Shermanville.*

ON the 12th day of January, 1856, the second session of the probate and commissioners' court was held at Francis Myer's. Present, Goerge Wilson, probate judge, and Francis Myer, member. A petition was presented, asking the appointment of David McCammon as sheriff of Anderson county, whereupon they appointed David McCammon as sheriff.

January 18 David McCammon qualified as sheriff by giving bond and taking the oath prescribed by the law of 1855, and was the first sheriff of the county.

January 18 the probate and commissioners' court held its third session, at the house of Francis Myer. Present, George Wilson, president, and Francis Myer, member. At this meeting J. S. Waitman was appointed to the office of commissioner. Waitman qualified and entered upon the duties of his office on the same day. This was the first time a full board of commissioners had existed in the county. The

board, as then constituted, consisted of the probate judge as president, and two county commissioners as members, and was designated in law as the "board of commissioners," but styled in the record of their proceedings the "probate and commissioners' court."

January 18, 1856, C. H. Price was appointed justice of the peace for the county, and was commissioned by George Wilson, probate judge. Price qualified on the 15th day of March, by subscribing the oath prescribed by the law of 1855, and was the first justice of the peace in the county.

On the 18th day of January the commissioners appointed C. H. Price treasurer, and on the same day he was commissioned as treasurer of the county by George Wilson, probate judge. Price qualified as treasurer by giving bond and subscribing the oath required by the law of 1855, and was also the first treasurer of Anderson county.

February 4 the probate and commissioners' court held its session at the house of David McCammon. Present, Francis Myer and John S. Waitman, commissioners, and David McCammon, sheriff; George Wilson, probate judge, absent. At this meeting Thomas Totton was appointed clerk of the probate and commissioners' court.

A petition, signed by Richard Golding and others, praying for the location of a road from Shermanville, in Franklin county, to Cofachique, in Allen county, was presented, which the commissioners took under



consideration and adjourned to the 9th of March, when they again met at Francis Myer's. Present, George Wilson, probate judge, Francis Myer and J. S. Waitman, members. The petition of Richard Golding, for the location of a road from Shermanville, to pass through the county seat of Anderson county; from thence to Hampden and Cofachique, the county seat of Allen county, was considered, and David McCammon, James Townsley and Samuel Mack were appointed commissioners thereon, to locate the road as prayed for, to be 70 feet wide. This was the first road located in the county.

February 11, George Wilson, probate judge, issued a notice to Zack Schutte, commanding him to desist from committing trespass on school lands—section 36, township 19, range 20. The notice was addressed to David McCammon, as sheriff, and was served on Schutte the same day. February 11, George Wilson, as judge of probate, issued a notice of the same kind to John Waitman, for the same purpose.

February 18, 1856, a petition was presented to the commissioners, praying for the permanent location of the county seat of Anderson county, signed by the following persons: A. McConnell, John H. Wolken, John H. Rockers, James McGue, T. Bran Le Van, L. Phillips, Chris. Whitkop, David McCammon, Thos. Totton, Darius Frankenberger, William Rogers, Patrick Tyler, I. B. Tenbrook, Ephraim Reynolds, Dr. Charles Muchelberry and Fred. Toch-

terman. On consideration whereof the commissioners appointed David McCammon, James Townsley and Thomas Totton commissioners to locate the county seat of Anderson county, with positive instructions that the same should be located within three miles of the geographical center of the county.

February 28, 1856, the commissioners appointed to locate the county seat made the following report :

"We have viewed, laid out and located, and do report for public good to the county of Anderson at large, and have examined as to water, rock, timber, and also a due regard to the situation, the extent of population, and quality of the land, and the convenience of the inhabitants, and as little as may be to the prejudice of any person or persons, we have located it as follows: Northeast quarter of section 31, township 20, range 20, and southeast quarter of section 31, township 20, range 20."

March 1 the report of the commissioners to locate county seat was accepted by the court, and the county seat was then located at the point selected; and this point was called Shannon, where all the county business was transacted from that time until the 5th day of April, 1859.

March 1, 1856, the board of commissioners allowed the first accounts against the county, as follows: Francis Myer, \$18.00; John Waitman, \$15.00; George Wilson, \$102.95; D. McCammon, \$18.00; in full of all demands up to February 18, 1856, for services as board of commissioners and sheriff of the county.

March 6 William Rogers was commissioned justice

of the peace by the Governor. Rogers qualified as justice March 17, by subscribing to the oath prescribed by the law of 1855.

March 6, John Rogers was commissioned by the Governor as constable, and he qualified as constable on the 17th of the same month.

Thomas Totton was, on the 29th of February, commissioned as clerk of the county, by the Governor.

April 19, 1856, Anderson Cassel was commissioned by the Governor as coroner of Anderson county, and qualified by taking the oath of office May 19, 1856. He was the first coroner of the county.

The Territorial Legislature in 1855, in the act defining the boundaries of counties, attached the county of Coffey to Anderson county for civil and military purposes.

On the 28th day of January, 1857, the following order appears on the record of Anderson county :

"It is ordered by the county commissioners that the following appointments, made by his excellency, John W. Geary, is approved by the court of Anderson county, for the organization of Coffey county: John Woolman, as probate judge; Richard Burr and Samuel Losbue, as county commissioners; Turner Losbue, as constable; and John B. Scott, as justice of the peace."

The above persons were commissioned on the 8th day of January, 1857.

On the fourth Monday in April, 1856, the first term of the district court was held in the county, by Sterling G. Cato, one of the United States district

judges. The court convened at the house of Francis Myer, on the claim then owned by him, near the present site of Greeley, but more particularly described as the southeast quarter of section 19, township 19, range 21. The following persons were on the grand jury: C. E. Dewey, J. S. Waitman, H. Britten, J. Vanderman, C. H. Price, Patrick Tyler, Wm. Rogers, Joshua Griffith, D. Frankenberger, I. B. Tenbrook, Samuel Mack and A. Wilkerson. J. S. Waitman was foreman.

There is no record of the proceedings of this court to be found. It was in session for an entire week, and the bills of indictment that were found were carried away by the court. Cato brought his own clerk and prosecuting attorney with him. No civil business was transacted at the term of the court, and no arrest was ever made on any of the indictments found.

The Pottowatomie rifle company was organized in the fall of 1855. This company had its drill ground on the Pottowatomie, between Dutch Henry crossing and the present site of Greeley. John Brown, jr., was elected captain of the company. Its members were Anderson and Franklin county men. Jacob Benjamin, James Townsley, Allen Jaqua, Frank Ayres, D. G. Watt, Samuel Mack, A. Bondi, H. H. Williams, W. Ayres, Milton Kilbourne, Dr. Gilpatrick and others were members from Anderson county.

The presence of this company broke up Cato's

court at Shermanville, in the spring of 1856, a few days after his court had adjourned in Anderson county. Cato left in such haste that he did not take time to adjourn his court, or notify the jury that was out at the time, of his intention to close his court; and this was the last court that Cato attempted to hold in this part of the Territory.

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#### CHAPTER IV.

*Noted Settlers of 1855—Election of Delegates to Topeka Constitutional Convention—Election for Adoption of Constitution—Election of State Officers under Topeka Constitution—Noted Settlers of 1856—Territory Overrun with Border Ruffians—The Probate Judge, County Commissioners and Sheriff Flee the County—John Brown with his Company Marching to the Rescue of Lawrence—United States Troops sent to Pottowatomie.*

In the spring and summer of 1855 a number of settlers with their families located in the territory now included in Anderson county. The following are among the prominent settlers of that year: Da-

rius Frankenberger, M. M. Minkler, C. E. Dewey, H. H. Williams, Ephraim Reynolds, James Sutton, Benjamin Davis, J. H. Wolken, J. H. Rockers, H. M. Rumley, Samuel Mack, John McDaniel, Zacharias Schutte, Charles Backer, James Townsley, C. H. Price, Jesse Sutton, Henderson Rice.

An election for delegates to a convention to frame a constitution for a State government, known as the Topeka constitutional convention, was held on the 9th of October, 1855. There were 49 votes polled at the Pottowatomie precinct for delegates; these were all Free State votes, as there was no opposition ticket run at this election. The Fifth district elected seven delegates, as follows: J. M. Arthur, O. C. Brown, Hamilton Smith, Richard Knight, Fred. Brown, W. T. Morris and William Turner.

December 15, 1855, at an election held for the adoption or rejection of the Topeka constitution, at the Pottowatomie precinct the following persons of Anderson county voted: Ephraim Reynolds, Samuel Anderson, Darius Frankenberger, I. B. Tenbrook, W. L. Frankenberger, James Townsley, John McDaniel, James Sutton, Samuel Mack, C. E. Dewey, M. M. Minkler, Benj. Dunn, Alex. Purdue and H. H. Williams. There were 39 votes for the adoption of the constitution and 3 against. On the proposition in the constitution, for the expulsion of negroes and mulattoes, there were 25 votes for and 18 against.

January 15, 1856, at an election for State officers



under the Topeka constitution, the following persons voted at Pottowatomie precinct: D. Frankenger, W. L. Frankenger, M. M. Minkler, Alex. Purdue, H. H. Williams, Joseph Mosly, Ephraim Reynolds, J. T. Barker, James Sutton, Lawrence Brady, D. C. Davenport, C. E. Dewey, Benj. Davis, J. H. Wolken, J. H. Rockers, H. M. Rumley, A. C. Austin and Samuel Mack. Also, John Brown, jr., Fred. Brown and Owen Brown, sons, and Henry Thompson, son-in-law, of old John Brown, voted at this precinct. The poll book and tally list of this election are signed by Frederick Brown, S. B. Moore and Wm. Partridge, as judges; and H. H. Williams and Ephraim Reynolds, as clerks.

Several emigrants came and located in Anderson county in the spring of 1856. Among the more prominent settlers of that year were W. C. McDow, A. Simons, Samuel Anderson, Jacob Benjamin, A. Bondi, James Y. Campbell, John S. Robinson, Solomon Kauffman, C. W. Peckham, William G. Hill, R. D. Chase, Samuel McDaniel, G. W. Yandall, William Tull, A. G. West, C. G. Ellis, Rezin Porter, Jno. Kirkland, Wm. Dennis, J. F. Wadsworth, H. Cavender, Frederick Tochtermann, W. G. Nichols.

From May, 1856, to January, 1857, no business of any official character was transacted by the probate judge, the county commissioners, or the sheriff of this county.

On the 28th day of January, 1857, we find the following record:



"By order of the board of county commissioners in and for the county of Anderson, that in consequence of insurrection throughout Kansas Territory, more particularly confined to the counties of Franklin and Anderson, that the probate and commissioners' court were unable to hold their regular or adjourned court, in and for the county of Anderson, and has been ordered by board of commissioners this day to be entered on the county commissioners' docket.

THOMAS TOTTON, Clerk."

Francis Myer and John S. Waitman were radical Pro-Slavery men, and appointed to the office of county commissioner on account of their loyalty to the slave power. Judge Geo. Wilson had been elected by the bogus Legislature as a fit tool to carry out the designs of the Border Ruffians, and was elected because of his peculiar fitness for that purpose. And when the difficulties of 1856 culminated, these officers were in full sympathy with, and took an active and leading part on the behalf of, the Missouri Ruffians that overrun this county at that time : they believed that African slavery was a divine institution—and that whoever denied its divine origin and right were infidels and not entitled to the respect of law or decency. During the exciting time of the summer and fall of 1856 many of the Free State settlers on the Pottowatomie creeks had been notified to leave the country, and in many cases were notified that if they did not leave in a given time they would be visited by these ruffians and dealt with according to their code.

In April, 1856, Major Buford arrived in Kansas

with a large body of men from Georgia, Alabama and South Carolina. This body of armed men came for the avowed purpose of driving all Free State men out of the Territory and dedicating Kansas irrevocably to slavery. About this time the "Herald of Freedom" says :

"Kansas is again invaded by armed ruffians ; they gather in by tens, and fifties, and hundreds. Shannon has regularly enrolled them as militia, commissioned their officers, &c. : at any moment they may commence their work of devastation."

During the summer and fall of 1856 the southern portion of Kansas, and all along her borders, a semi-barbarous class of ruffians overrun the country, and assumed the guardianship of the slave interests ; and every possible obstacle was thrown in the way to retard Northern immigration. The immigrants were driven back ; they were tarred and feathered ; their claims were seized ; their cabins were burned ; and they were often ordered by committees of Southern men, or the Missouri rabble, to leave the Territory immediately, under the penalty of death. These ruffians were often urged to deeds of most outrageous barbarity by the fierce harangues of the leading spirits and stump-orators of the Slave States. As an illustration of this sentiment, as proclaimed by the radical leaders of the South, we give the following from the speech of General Stringfellow, delivered at St. Jo., Mo., then a prominent citizen of that State :

"I tell you to mark every scoundrel among you who is

the least tainted with Abolitionism, or Free-soilism, and exterminate him; neither give nor take quarter from the d—d rascals. To those who have qualms of conscience as to violating law, State or national, say, the time has come when such imposition must be disregarded. As your rights and property are endangered, I advise one and all to enter every election district in Kansas, in defiance of Reeder and his myrmidons, and vote at the point of the bowie-knife and revolver. Neither take nor give quarter, as the cause demands it. It is enough that the slaveholding interest wills it, from which there is no appeal.”

This sentiment was reiterated by every Pro-Slavery paper on the border; and declared by every stump orator in the field throughout the Border Ruffian dominion.

On the 21st of May, 1856, General Atchison, the great Border Ruffian, a U. S. Senator, ex-Vice President of the United States, together with Col. Titus, of Florida, Major Buford, of Georgia, and General Stringfellow, of Missouri, entered Lawrence and sacked the town, burned the Free State hotel, and destroyed the “Herald of Freedom” and “Free State” printing presses. They were there from the slave States, under the pretense of enforcing the law and making arrests.

The Ruffians assumed to be the masters of the whole Territory; declared their own loyalty and conquest, and assumed to be the protectors of the Governor and the defenders of the bogus laws. They extolled the greatness of their power, and affected to deride the disloyalty of the handful of Free State men who appeared under the banners of

freedom to resist their invasion. The armies of the ruffians seemed, indeed, as numerous as a cloud of summer locusts, who darken the day, flap their wings, and, after a short flight, tumble weary and breathless to the ground; like them, sunk after a feeble effort, and were vanquished by their own cowardice, and withdrew from the scene of action to boast of their deeds of crime and infamy.

It was about this time that the Pottowatomie affair happened. In the neighborhood of Dutch Henry crossing of the Pottowatomie lived a Mr. Allen Wilkerson, a member of the bogus Legislature. He and William Sherman, — Doyle and a few other Pro-Slavery men in the neighborhood had always been violent and bad men. Immediately after sacking Lawrence, these men concluded that war had begun, and the Free State people must be driven from the country. Violent party men, of violent disposition and reckless character, covetous of the claims of the Free State men, commenced the work of persecution. Several Free State men were ordered to leave by letter and verbally. One man, named Morse, was seized and abused, and threatened with death if he did not leave. Morse was a merchant, and had a small store; kept such articles as are usually kept in a country store. On the morning of the 21st of May he had sold some powder and lead to John Brown, jr's., men, when they were on the road to Lawrence. These men said they would learn him to sell ammunition to Free

State men. A cabin was burned at the same time. Five of these Pro-Slavery men, Wilkerson, Sherman, Doyle and his two sons, were taken out one night and killed. This act was never fully justified by the Free State men. The government had refused to give protection to the Free State settlers, and it seemed to be the only way for the Free State men to protect themselves. Lynch law was the terrible alternative to which the Free State men were driven, because of the guerrilla warfare to which they were exposed.

About this time Francis Myer, John S. Waitman, David McCammon and George Wilson, having been aiders and abettors in the Pro-Slavery atrocities, fearing that they would meet the same fate, fled the country. Wilson returned again in the winter of 1857, but the two commissioners and sheriff never returned; so it became necessary to select other commissioners and another sheriff.

At the time the Border Ruffians were marching against the Free State men of Lawrence, John Brown, jr., with his Pottowatomie company, started to their assistance, but before he could reach there he learned that Lawrence had been sacked and burned, and was notified that his presence could do no possible good. He halted and went into camp on Ottawa creek, near Prairie City, where he remained for a few days. He had in his company about 20 Anderson county men; and while he was in camp on Liberty mound, near Prairie City, the



news of the killing of Wilkerson, Sherman and the Doyles was received.

Soon after the Pottowatomie tragedy the government ordered a company of dragoons to the neighborhood. They camped for several weeks at a spring northeast of Greeley, near the residence of Samuel Staley. They also were stationed in Franklin county, near the line, for some time. This company was recruited in South Carolina, and its Captain, DeSaucer, was a hot-headed advocate of Southern institutions. He made frequent efforts to capture obnoxious Free State men, especially James Townsley. Whenever one of these night incursions was to be made by De Saucer's men, notice would be given to some of the citizens by one or two of his men, who were in sympathy with the Free State cause, so that they might guard against approaching danger, and as a consequence thereof not a single arrest was made during the time the company remained in the neighborhood. This same De Saucer figured in the first movement on Forts Moultrie and Sumter, showing the sagacity of the administration in sending him to crush freedom in Kansas. De Saucer, when talking, had the negro pronunciation of the South so perfectly that you had to see him to discern that it was not a Southern negro talking.

In the spring of 1856, a company of Maj. Buford's Georgians was camped in the timber near the present residence of Mrs. White, on the line of Franklin county. They were taking all the cattle

and horses that they could find that belonged to the Free State men. One morning Wilber D. West was riding along near Greeley, when he met one of Buford's men, who rode up to him and asked if he was a Pro-Slavery man, which he answered in the negative, whereupon the Georgian told him to dismount, drawing his revolver, which order West could but obey, when the Pro-Slavery man led his horse quietly away. He had not gone far before he met Hardy Warren and I. P. Sutton in a two-horse wagon, going in the direction of the Pro-Slavery camp. On meeting them the first salutation was: "Are you Free State men?" Mr. Warren said: "I am a Free State man." Then the Georgian rode a short distance, to where John Waitman was, and had a short consultation with him (a notorious Border Ruffian), came on, and overtaking Warren and Sutton demanded their horses and wagon, which Warren told him he could not have. Then the Ruffian drew his revolver, and at the same time another of his party emerged from the brush, which rendered resistance vain, and the only alternative was to give up the horses, which were driven to the camp, when Warren informed him that the mare would be useless to him, being heavy with foal, when the Ruffian turned to Sutton, who was a lad, and said: "You may take the d—d old mare," and let him ride her home, but kept the horse and wagon, and detained Warren a prisoner for several days.



When the Border Ruffians carried Hardy Warren and I. P. Sutton to their camp, Captain Wood, who was then in command of a company of United States soldiers stationed in the neighborhood, was present. Warren asked him if he was a United States officer, and Captain Wood informed him that he was. Warren then appealed to him for protection; told him that the Ruffians were robbing him and Sutton, and demanded protection as an American citizen against such outrage. Captain Wood smiled, turned around and quietly walked away.

The troops were kept on the Pottowatomie during most of the summer, and saw such outrages as these committed against the Free State settlers daily, and refused to give them any protection, but if a Free State man would interfere with a Pro-Slavery man the troops were at once brought to his assistance. The administration sent only such tools of the "slave power" to the Territory as sustained the Pro-Slavery party in Kansas, and intimidated the friends of freedom.

## CHAPTER V.

*Organization of Pottowatomic Guards—Celebration of Fourth of July, 1856—Struggle between Free State Men and Border Ruffians—Battle of Middle Creek—How a Ruffian Lost his Nose—Raid on Pottowatomic—Robbing Schutte—Battle of Osawatomic—Great Suffering among Settlers.*

IN the summer of 1856 the Free State settlers on the Pottowatomies, in order to protect the settlements against the invasions of the Border Ruffians, who were then making frequent raids in the southern part of the Territory, robbing the settlers and driving their families from their claims, met at the house of W. L. Frankenberger, on the South Pottowatomic, organized a military company, and named it the "Pottowatomic Guards," and elected Samuel Anderson captain of the company, which had its drill-ground and place of meeting at the cabin of W. L. Frankenberger. The Pottowatomic guards had about 30 men able for action. The company included all the able-bodied men on the Pottowatomic above Greeley.

This company participated in many of the expeditions against the Border Ruffians in 1856-7-8, and did valuable service in protecting the settlers against

the depredations of raiding parties from the Slave States. The invasions from Missouri were so frequent in the summer and fall of 1856, that it was unsafe for settlers to remain at home over night with their families ; and for several months the families in the settlement would collect together at night time on the Pottowatomie at Frankenberger's claim, and the women and children would take quarters in the cabin, while the men would keep guard over them. Such was the state of the country for many months, that the men would, part of the time, work on their claims during the day with their rifles and revolvers within their reach, and stand guard at night or be on the march to the defense of some settlement against the approach of the Ruffians.

Notwithstanding the many troubles and hardships the settlers encountered they did not forget that the early struggles of the fathers of our country purchased our freedom and established a free government ; and on the Fourth of July, 1856, the few settlers on the Pottowatomie assembled at the cabin of W. L. Frankenberger, about two miles east of Garnett, and there had a good old-fashioned celebration. C. E. Dewey read the Declaration of Independence, H. H. Williams, Capt. Samuel Anderson and J. Y. Campbell delivered orations, and the ladies sang some patriotic songs to enliven the occasion. These patriotic people were conscious that justice was on their side, which made them fearless in maintaining the right, and asserting that all men are en-

dowed with the inalienable right to "life, liberty and the pursuit of happiness;" that the primary object and ulterior design of our federal government was to secure these rights to all persons within its jurisdiction. This was the first celebration of the national birthday in Anderson county.

Although the country was but sparsely settled, and the audience small, a more enthusiastic and patriotic gathering never assembled in any State. In a new and wild country these people were like the Pilgrim Fathers, who came to make for themselves and children homes in a free land, to lay the foundation for a great and prosperous commonwealth, and to make this a country of refuge for the oppressed of all nations. They performed the work with a christian fortitude that was commendable, and which was finally crowned with the desired success.

In the month of August, 1856, the struggle between the contending parties was rapidly approaching a crisis. It was evident that the Ruffian power was fast encircling the friends of freedom in all the southern portion of the Territory; it was concentrating all its forces; block-houses were erected, and well supplied with provisions; and Gihon, private secretary of Gov. Geary, says in his work on "Geary and Kansas:"

"The Pro-Slavery marauders south of the Kansas river had established and fortified, at the town of Franklin, a fort, thrown up earthworks near Osawatomie, and another

at Washington creek, 12 miles from Lawrence, and one at Titus' house, near Lecompton."

From these strongholds they made sallies, to capture horses and cattle, intercept mails, rob travelers, plunder stores and dwellings, burn houses and destroy crops.

The fort near Osawatomie was garrisoned by Pro-Slavery men from Georgia ; and in consequence of outrages committed in the neighborhood, and at the solicitation of the settlers, was attacked by a company composed of Free State men, who were settlers from Douglas, Franklin and Anderson counties, on the 5th of August, 1856. This attack on the Georgian party was, by agreement, to have occurred on the night previous, but the Lawrence party lost their way on the prairie, which caused delay. The signal was to have been given of their approach by the firing of the prairie south of Stanton, on the north side of the river, to the Free State men who rendezvoused on the prairie, on the claim then occupied by David Baldwin. From this place they could see across the valley and the divide between the Pottowatomie and Marais des Cygnes rivers. The Free State men looked in vain for the sign ; no fire illuminated the north ; the Free State men from the Pottowatomie, who had volunteered to rout this Georgian encampment, returned homeward, not knowing the cause of failure. A few hours after, intelligence reached the Pottowatomie company that the attack would be made that night ;

and they again set out for the enemy's camp. On the approach of the Free State men the camp was abandoned. The Georgians made a precipitate flight, ere the Free State men reached the place, leaving a large amount of commissary stores and other property. Several barrels of bacon and flour were loaded into wagons, and then the building was burned, with its contents. The Georgians never returned to this neighborhood, but retreated to their fort at Washington creek, where they remained until the 15th, when they were again put to flight by Gen. Lane and his forces from Lawrence.

The Anderson county men in this attack were under the command of Dr. Rufus Gilpatrick. Lawrence Brady and others of Anderson county were in Osawatimie during the day preceding the attack, when a Georgian slapped Brady in the face. Such and similar insults were given to our Free State men whenever they met the Pro-Slavery men where they had the advantage.

August 25, 1856, acting Governor Woodson issued a proclamation declaring the Territory in a state of insurrection and rebellion, and calling out the militia. This was the darkest hour, for the Free State men, that Kansas had ever known, and hundreds of them left the Territory. The southern division of the Pro-Slavery militia was under General Coffey. About this time a force of Ruffians marched from Missouri and camped on Middle creek, near what is known as Potato mound, then



known as Battle mound. They numbered about 200 strong, remaining in camp several days, waiting for reinforcements from Missouri, preparatory to a general movement against the Free State settlements along the Pottowatomies.

On the 27th of August they took Geo. Partridge from his bed, sick, and carried him a prisoner to their camp. On the same day they burned the houses of Kilbourne and Cochran, near Greeley. Dr. Rufus Gilpatrick was out on Middle creek to visit a patient, and discovered the encampment of the Pro-Slavery forces, and reported the same to the Free State men on the Pottowatomie. Then Capt. Stewart, of Lawrence, with his company, and Capt. Samuel Anderson, with the Pottowatomie guards, and Capt. Cline, with his company, set out for the enemy's camp on Middle creek. Capt. John Brown, with his company, accompanied them until near the enemy's camp, where he received the intelligence that a party of raiders was moving up the Pottowatomie, near Greeley, and then he, with his company, went in pursuit of the marauding parties. Brown returned to the main force soon after the rout of the enemy and capture of their camp. The forces of the Free State men did not number more than 100 men.

On the morning of August 28, 1856, the Free State men came in sight of the enemy's camp, when they were put in order for battle, and moved steadily forward to the attack. The enemy were busily



engaged in preparing their breakfast and did not discover the Free State men until they were within a short distance of the camp, when a sudden rush was made, taking them entirely by surprise, and they became panic-stricken, and many of them fled in confusion ; some of them so precipitately that they left their horses behind. The rout was complete ; the men fled in such confusion that their commanders could not bring them to a stand, nor even check their stampede, until they had reached the interior of Missouri. They reported that they had been attacked by 10,000 Jayhawkers, armed with Sharp's rifles, and many cannons. The Free State forces here rescued Geo. Partridge, who had been taken prisoner by the enemy on the preceding day.

The following amusing incident occurred at the Middle creek affair: A. Simons, of Anderson county, was in the advance guard. When near the enemy's camp a Border Ruffian came dashing along. On his near approach Simons brought his gun to bear on him, and cried out at the top of his voice, "Halt !" But the Ruffian paid no attention to the Pottowatomie volunteer. At that moment bang went Simons' gun, and down fell the Ruffian, crying and hallooing, and on inspection his face was found to be covered with blood ; but on closer examination it was ascertained that his only injury consisted in the loss of his nose. It was said of him that he returned in a few days after to his Missouri home, a wiser and better man, but not quite so handsome.

In the battle of Middle creek the Free State forces captured about fifteen prisoners, who were kept over night, then duly admonished by John Brown as to their fate, and released. It is believed that they never again visited Kansas during her troubles. One Pro-Slavery man, named Cline, was severely wounded and soon after died. A large amount of commissaries and other property was captured, and destroyed for want of transportation.

The raiding party that came from the Pro-Slavery camp on the morning of the battle of Middle creek, near Greeley, robbed Zacharia Schutte, and threatened to visit Dr. Gilpatrick and hang him, and left Schutte with that intention, but learned the fate of the Middle creek camp, before they reached Gilpatrick's, and made rapid flight to reach their comrades in Missouri.

The day after the fight on Middle creek, the battle of Osawatomie took place, from which old John Brown received the name of "Osawatomie Brown." Many of those who took part in the Middle creek fight did not participate in the battle of Osawatomie. Not knowing that an enemy was so near at hand, many had left for Lawrence. This circumstance accounts for the small numbers who were engaged with Brown, against the forces of Gen. Reid, whose force was between 300 and 400 men, with one piece of artillery. Dr. Updegraff had a small force under his charge, and those who had joined Brown at Middle creek composed his whole force, between

thirty and forty men. The fight lasted about three hours. Brown retreated toward the timber, superior forces compelling him to abandon the unequal conflict. In crossing the river Geo. Partridge, who was released as a prisoner from the Ruffian camp on the day before, was shot and killed. Others received various wounds, but the Ruffians, from the best accounts that could be gathered, lost over thirty men killed, and many wounded.

Frederick Brown, son of John Brown, was killed on the public road, near the house of the Rev. J. S. Adair, about one hour before the battle commenced, in the morning. He was shot dead by the Rev. Martin White, who boasted of his exploits the next winter, while a member of the Legislature. Mr. Cutler, of Douglas county, was also shot and left for dead, at the same time and place. Mr. Garrison was also killed by the Ruffians, early in the morning, before the fight commenced.

The remains of Geo. Partridge, Fred. Brown and Garrison were deposited in a cemetery which the citizens of Osawatomie set apart for this special purpose, and we are sorry to know that to this day the unwarranted neglect and want of an adequate patriotic zeal for liberty has allowed the hallowed resting place of these early martyrs for human freedom to remain without a proper and merited tablet to mark the deposit of their remains for the last twenty years.

In Judge Hanway's reminiscences of Pottowatomie township, of Franklin county, he says :

“After the difficulties passed through in the months of May and June, 1856,” to which he had before referred, “we were much annoyed from the lack of almost every article of consumption, for everything had to come through by the way of Westport, from Kansas City. It became at times a serious question with the Free State settlers how to supply our wants. The roads to Missouri were blockaded by the Pro-Slavery party; Free State men were frequently robbed and their teams taken from them on the public highway. Flour, bacon and other necessary articles of consumption became scarce, and brought high figures. Occasionally a team from Kansas City, with these articles, would pay us a visit, but this did not supply our wants.

“Necessity, it is said, knows no law; and it was amusing to witness how the most tender-hearted and conscientious among us adopted that proverb. Toward the close of the summer many of the Free State men, in council assembled, concluded that as the enemy would not sell or permit us to obtain provisions, that, rather than suffer, they would live on beef, by ‘pressing’ it. Many of the most obnoxious Pro-Slavery men had large herds grazing on the prairies, and therefrom, under the circumstances, they had no scruples of conscience in reference to killing a beef when needed. These cattle owners were not long before they advocated the opening of the roads to Kansas City; at least this class of men were permitted to trade in Kansas City and haul provisions to the settlers. The fine-spun theories of ethics did not enter into the programme of ’56; Free State men were compelled to adapt themselves to surrounding circumstances, and retaliation is so natural in man that we have often been surprised that they were so moderate in their proceedings.”

## CHAPTER VI.

*Arrival of C. E. Dewey and Party from Ohio—First Settlement on South Pottowatomie—Death of Baer—Survey of Government Land—Location Kansas City Townsite—Selection of Garnett Townsite by Dr. G. W. Cooper and Geo. A. Dunn—Arrival of Louisville Colony, with Steam Mill—Prominent Settlers of Garnett in 1858-9.*

IN the spring of 1855 Charles E. Dewey, with several other parties, made the first settlement on the South Pottowatomie above Greeley. C. E. Dewey, with his wife and little girl of seven summers, Daniel Baer, with his wife and little boy, three years of age, left Sandusky county, O., on the 13th day of April, 1855, for Kansas Territory. They were joined by H. H. Williams and four other young men, at Cincinnati. They came by steamer down the Ohio river, thence up the Mississippi and Missouri rivers to Kansas City, Missouri, arriving there April 31, 1855. Dewey with his party, consisting of ten persons, started from Kansas City for the Pottowatomie on the first day of May, and the same day reached Ottawa Jones', a station named for the Ottawa tribe of Indians. On the morning of May 2, 1855, the party, leaving their women and children at Jones',



set out for the "Eldorado," across the wild and trackless prairies to the south, for the Partridge settlement, on the Pottowatomie river. In the afternoon of the same day they reached the Pottowatomie, a short distance above Dutch Henry crossing, where they found Wilber D. West chopping timber on a claim he had taken. Passing over the bluff to the south, they came to the habitation of David Baldwin, who had squatted there in 1854; then south about one mile they found Waltman Partridge and his family, who had settled in 1854. The party here stopped during the night. The next morning the party engaged George Partridge to guide them up the South Pottowatomie, across the open prairie, without any road; passing by the present townsite of Greeley, where there was one or two cabins. Still pursuing their journey, about two miles further up the stream they passed the cabin of Charles Baecker, who had just selected a claim and built a cabin of poles thereon. The party still traveled up the south side of the stream until they came to what is now known as the Judy neighborhood.

Dewey selected his claim on the land now owned by William Neal, and drove his claim stake. H. H. Williams took the claim on the land that is now the Isaac Hiner farm. Daniel Baer selected the claim on which P. A. Paul now lives. None of the other parties located in Anderson county. They all returned to Partridge's that night, and the next day returned to Jones' for their families.

On the 10th day of May Dewey and his party unloaded their goods in a pole cabin, 10 feet by 14 feet, roofless and floorless, on the northwest corner of what is now James Adams' farm, near the bank of the stream. That was the first settlement on the South Pottowatomie above the Schutte farm.

Dewey, Baer and Williams cleared off three or four acres of brush land and planted it in corn, which produced a good crop. The corn was destroyed by a prairie fire in the fall before it was gathered.

H. H. Williams was taken sick on the 5th of July, and was unable to work until the next winter. Baer was taken sick in August, from which he never recovered. He died in September and was buried on the high bluff on the north side of the Pottowatomie, just above Dutch Henry crossing. He had buried his child soon after their arrival on the Pottowatomie. Mrs. Baer and Mrs. Dewey lay sick during the month of September. Dewey's little girl died on the 18th of the same month. The whole colony was sick during the fall. Dewey was the only one that was able to attend to the affairs about the cabin. There were no other settlers to care for or to give aid to the sick; no doctor in the country; none nearer than Osawatomie. Dewey, having educated himself for a physician, and having been engaged in the practice, and anticipating the necessities of a new country, supplied himself with a small amount of such medicines as would be required, which en-



abled him to administer to the sick of his family and those who came with him ; and he was often called to attend the sick further down the stream.

In the following winter the government lands in Anderson county were surveyed, and Dewey found his claim not a desirable one, because of the lines separating his timber from the prairie. He jumped the claim made by one Card, a government surveyor, and built a frame house on it, and pre-empted it in the spring of 1856, where he lived until he went into the army during the rebellion, when he traded it to Henry Denman, who still lives upon it.

In the summer of 1855 Patrick Tyler with his family squatted on the farm now owned by Judge Wm. Spriggs ; and John Prior, in the fall following, settled on the claim now the farm of Emery Wilson. H. M. Rumley settled still further up the creek in the same year. In the spring of 1856 Samuel McDaniel came to the Pottowatomie, and bought the claim of Patrick Tyler, who went further up the stream and located another claim.

In the fall of 1855 and winter and spring of 1856 the government survey of the public lands was made, under the supervision of John Calhoun, surveyor general of the Territory of Kansas and Nebraska.

On the first day of May, 1856, Dr. G. W. Cooper arrived at Kansas City, Missouri. He had started a few days prior thereto from his home in Louisville, Kentucky, to explore the southern portion of the Territory of Kansas, for the purpose of select-

ing a site for a town and locating a colony thereat. At the time Cooper arrived at Kansas City, Major Buford landed with a large body of men from Mississippi, Alabama and South Carolina, for the purpose of making Kansas a slave State. Kansas Territory was then under the rule of the Pro-Slavery party, and it was dangerous for a Free State man to enter the Territory, unless he had a voucher from some of the leading Pro-Slavery men. So Cooper, to avoid trouble, applied to General McClain, at Wyandotte, for a letter of recommendation, that would protect him while among the Pro-Slavery men, McClain being a leading man in that party. He gave Cooper the necessary recommendation to all good and true men in the Territory. Cooper, thus armed, set out on his voyage. He traveled in a southwest direction for a few days, returning through Anderson county about the last of May, and afterwards selected and laid out a town on Ianthe creek, and called it Kansas City, afterwards known as Ianthe. This was the first townsite selected in the county. After selecting the townsite and platting the same, he returned to Wyandotte, to General McClain's office. Ianthe, or Kansas City, was a paper town, located on the west half of section 27 and east half of section 28, township 19, range 18, and was afterwards pre-empted by John Murphy, John L. Clemens, Stephen B. Shotwell and Alexander Casseday. The three latter were from Louisville, Ky., and the former from Virginia. John

Murphy made a claim on Ianthe creek on 160 acres of land, and made some improvements, and moved on the same. The entire tract of land claimed as the townsite of Ianthe or Kansas City, except the claim of John Murphy, was pre-empted by one movable log-cabin, which was moved from one quarter to another until the several claims were pre-empted. The cabin and proprietors have long since "gone where the woodbine twineth."

Cooper, at Wyandotte, met George A. Dunn, who had surveyed most of the lands in Anderson county, and was recently from that region of country. When Cooper made known to Dunn his mission to Kansas, he proposed to go with him to the Pottowatomie, in Anderson county, and select a townsite near the center of the county, for a county seat, and, after agreeing upon a plan and the share each was to have, they together set out for the Pottowatomie country, and arrived in this county some time in the summer or fall thereafter. They went to the geographical center of the county and examined the surrounding country, but failing to find a desirable site for a town, Dunn suggested that there was a beautiful site about six miles from the center, on section 30, township 20, range 20, with a fine spring of water. So they came down the Pottowatomie to Samuel McDaniel's, near the present site of Garnett, stopped a few days with him, examined the proposed townsite, and laid out a town on section 30, township 20, range 20, and returned

to Wyandotte ; and Cooper, in a few days, returned to Louisville, and afterwards organized a town company consisting of W. A. Garnett, R. B. Hall, G. W. Cooper, Geo. A. Dunn and Theodore Harris. The company, so organized, proceeded to the election of officers, as follows : W. A. Garnett, president ; R. B. Hall, vice president ; and Theo. Harris, secretary. The town was then named Garnett, in honor of W. A. Garnett, a man of wealth and influence in Louisville, Ky. The company at once made arrangements for sending a colony from Louisville to the new town, and purchased the necessary machinery for a first-class flouring and saw mill ; but not being able to send the colony that summer, the mill was not sent until the summer of 1857.

In March, 1857, Cooper again came to Kansas, and on the 10th of May he had the townsite again surveyed, staked out and platted, and then returned to Louisville for the colony, mill and machinery. On his arrival at Louisville he had a lithographed plat of the town made ; and the town company then elected new officers, as follows : R. B. Hall, president ; Geo. A. Dunn, vice president ; and Theo. Harris, secretary.

When Cooper was in Garnett in the spring of 1857 he employed men and had a double log house built, on Fourth avenue, east of Main street, in which Dr. Preston Bowen opened a store in the summer of the same year, which was the first store in

the town. During the spring and summer of 1857 several emigrants settled in Garnett, before the Louisville colony arrived, among whom were Dr. Thos. Lindsay, John G. Lindsay, Wm. Smith, W. S. Smith and Thos. Owen.

Cooper and Hall, about the middle of July, with a portion of the colony, started for Kansas, and arrived in Anderson county about the 25th of the same month.

On the first day of August Robert B. Hall, as president ; Geo. A. Dunn, G. W. Cooper and Theodore Harris, as associates, filed a plat of the town of Garnett in the office of the probate court of the county, with a petition setting forth that the town of Garnett was regularly laid out and surveyed on or about the 10th day of May, A. D. 1857, covering the south half of section 30, township 20, range 20. About this time a store house was built and occupied by a merchant, and the company on this improvement claimed the right under act of Congress to pre-empt the above described lands for a townsite ; and on the 8th day of September, 1857, the same was pre-empted by George Wilson, probate judge of Anderson county, in trust for the occupants of the town of Garnett.

August 7, 1857, William C. Hall, Isaac N. Locke and Joseph Barclay, associates of the town of Troy, presented for filing in the office of the probate court their petition and plat, showing the survey of the town of Troy, and claiming the north half of section



30, township 20, range 20, as a townsite, under the pre-emption act of Congress, which petition was granted, and a record made of the same; and on the 8th day of September, 1857, the land above described was pre-empted by Geo. Wilson, probate judge, for the use and benefit of the occupants of the town of Troy.

In August, 1857, the Louisville colony arrived on the townsite of Garnett, with the machinery for a flouring and saw mill, and at once commenced the work of getting up the mill, and preparing to build themselves dwellings. The following persons composed the colony: Charles Hidden and family, F. G. Bruns and family, W. C. Hall, R. B. Hall, Theodore Harris, G. W. Cooper and family, Mrs. Adeline Duren and family, John Lambdin and family, and M. T. Williams and family.

There are but four persons of the Louisville colony now living in this county; these are F. G. Bruns and wife, and G. W. Cooper and Mary L. Cooper. F. G. Bruns was a young man; had not been married but a few months before coming to Kansas. He arrived here on the 10th of August; his wife came soon after—as soon as he could prepare a house for her accommodation. He built the first frame house in Garnett, where he still resides. He was an active, energetic young man; was of valuable service to the town and county; has held several prominent positions in the town since. On the 13th day of March, 1858, was born unto him two



children, named, respectively, Charles Garnett Bruns and Mary Bruns. These were the first births in the town. Charles Garnett Bruns is now 18 years old; a boy of excellent habits, and respected by all. Mary Bruns died at the age of nine weeks, and hers was the first death in Garnett. Bruns has built several buildings in the town, opened the first cabinet shop, and by industry and rigid economy has from time to time added to his business until he now, in connection with O. Fabricius, is carrying on one of the most extensive furniture factories and stores in this part of the State.

In the month of December, 1857, the town companies of Garnett and Troy were consolidated, under the name and style of the "Town Company of Garnett."

On the 9th day of February, 1859, the Territorial Legislature passed an act to incorporate the town company of Garnett, with the following incorporators: R. B. Hall, Theodore Harris, J. Y. Campbell, James Locke, D. W. Houston and W. C. Hall, with the usual powers of bodies corporate. The company so incorporated met at Garnett on the 9th day of April, 1859, and elected its officers as follows: R. B. Hall, president, and Theodore Harris, secretary. The town so organized issued to its members certificates of stock in the following form:

"Town of Garnett, Kansas Territory.

"This is to certify that \_\_\_\_\_ is entitled to one share, No. \_\_\_\_\_, in the town of Garnett, K. T., transfer-

able personally or by attorney, upon the books of the company, upon the surrender of this certificate. It is agreed between the stockholders and original pre-emptors of Garnett, that this certificate does not entitle the holder to any interest in the grounds and lots that have been set apart for public purposes, built on, sold or given away previous to December, 1857.

“In witness whereof the said company have caused their president and secretary to affix their names, this — day of ———, 185—.

R. B. HALL, President.

“THEODORE HARRIS, Secretary.”

At the head of this certificate is the motto of the State of Kentucky.

Several houses were erected on the townsite of Garnett in 1857. The flouring and saw mill was put in operation during the fall of that year.

In 1858 and 1859 a number of prominent settlers located in Garnett, among whom were D. W. Houston, Hiram Tefft, Rev. J. R. Slentz, C. P. Alvey, Dr. G. W. Walgamott, S. J. Crawford, W. A. Johnson, G. W. Her, J. G. Smith, J. C. Johnson, Hugh Quinn, Gifford McAfee, James McLaughlin, Jared Graham, William McLaughlin, Robert McLaughlin, Martin Setter, John B. Stitt, J. T. Purcell, Elias Norris, Ephraim Coy, Charles Norris, John Johnson, N. A. Porter, Wm. Tefft, John Tefft, John S. Stowe and others.

Dr. Cooper selected and laid out the town of Valley City, near the junction of the Pottowatomies, in the spring of 1857. Drs. Cooper and Lindsay surveyed and staked it out, and Cooper had a lithographed plat of it made; but there were

never any town improvements made on the town-site. It had, like many of the Kansas towns of that day, existence only on paper. Townsites became so numerous in the early days of the country that it became necessary for the Legislature to prevent the location of so many townsites, and in 1859 it had a bill before it, providing that each alternate section should be reserved for agricultural purposes, and making it unlawful for more than half of the land to be occupied for town and city purposes.

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## CHAPTER VII.

*Mass Meeting at Hyatt—First Meeting in Garnett—County Officers Appointed—Election of Delegates to Leecompton Constitutional Convention—Free State Convention at Sac and Fox Agency—Celebration of 4th of July at Greeley—Dividing County into Municipal Townships—Free State Conventions at Simons' and Hyatt—First Election for County Officers—Vote of all the Precincts, except Shannon, thrown out by Probate Judge—Letter Giving Reason for Same—Free State Convention at Grasshopper Falls—Sickness in the fall of 1857.*

IN May, 1857, a mass meeting was held at Hyatt.

D. B. Jackman was elected president, and C. J. Farley, secretary. The object of the meeting was to discuss the question of electing delegates to the Lecompton convention, to frame a State constitution. W. F. M. Army, William Spriggs, D. B. Jackman and some others of the more radical Free State men took strong ground against going into an election or doing any act that would recognize the organization of the county under the bogus laws. Dr. J. G. Blunt, Dr. Rufus Gilpatrick, James Hanway and some others took a more conservative view, and were in favor of electing delegates and county officers, believing the Free State men to be in the majority; but the majority of the meeting was opposed to the proposition, and passed resolutions against going into an election.

On the 18th of May, 1857, a mass meeting was held on the townsite of Garnett, at the store of Dr. P. Bowen. The meeting had been called by Capt. Samuel Anderson and others, for the purpose of considering the subject of electing county officers at the following October election. The meeting elected James Hanway as president, and B. F. Ridgeway, secretary. Speeches were made by Drs. Gilpatrick, Blunt and Lindsay, and Capt. Anderson and James Hanway, all favoring an election. The meeting passed resolutions that it was advisable to elect county officers at the October election. This was the first meeting held on the townsite of Gar-

nett, and perhaps the most harmonious meeting ever held in the county.

In May, 1857, Thomas Hill was commissioned, by the Governor, sheriff of Anderson county. He qualified and entered on the duties of his office, and continued so to act until after the October election in the same year. He was appointed to fill the vacancy caused by the removal of David McCammon from the Territory. Hill was not a resident of the county, but lived in Franklin county all the time that he acted as sheriff. In the early settlement of the Territory it was the general understanding of the settlers that the northern boundary of the county was three miles further north than it proved to be when surveyed and established. At the time of the organization of the county the government survey had not been made.

May 25, 1857, John McDaniel and Darius Frank-  
enberger were appointed county commissioners, to fill the vacancies caused by the removal of Francis Myer and J. S. Waitman from the Territory, and they qualified on the same day, and on the same day Capt. Samuel Anderson was appointed as justice of the peace.

The county commissioners, on the 20th of July, established three voting precincts, and appointed judges of election for each precinct. First precinct, Greeley; Samuel Mack, W. C. McDow and J. H. Wolken, judges for the October election. Second precinct, Shannon; Benjamin Davis, Wilson Ander-

son and John Barker, judges. Third precinct, at Benjamin L. Adington's, on North Pottowatomie; Benj. L. Adington, Rezin Porter and Christian Feuerborn, judges.

The election for delegates to a convention to frame a State constitution, commonly known as the Lecompton constitutional convention, was held on the 15th day of June, 1857; and at this election Dr. Rufus Gilpatrick and J. Y. Campbell received 32 votes each in this county, and both were elected as delegates. This was the first election held in the county. Gilpatrick and Campbell both went to the convention at Lecompton, and on the 10th day of August the convention passed a resolution declaring both entitled to seats; but neither of them qualified or took a seat in the convention.

On the 20th of July A. Simons was appointed county clerk, and Samuel Anderson, probate judge.

On the first day of August Henry Williams was appointed justice of the peace.

On the 10th day of September, 1857, a Free State convention was held at the Sac and Fox Agency, for the nomination of candidates to the Territorial Legislature from the nineteen disfranchised counties, and it nominated, as such candidates, Samuel J. Stewart, Christopher Columbia and John Curtis.

On the Fourth of July, 1857, a celebration was held in the grove north of Greeley, where C. E. Dewey, J. Y. Campbell and others delivered orations, and patriotic songs and toasts by the patri-



otic people, appropriately commemorated freedom's birth. It was a season of refreshment, where all the hardships of 1776, as well as those of their own days in the Territory, were rehearsed. Many of them had passed through trying scenes and struggles to provide homes for themselves and families. A stream of emigration from the north had begun to flow into the Territory, which brightened their hopes and kindled the anticipation that their success was near at hand.

June 1, 1857, George Wilson was commissioned notary public, and qualified before Judge Cato, at Lecompton.

February 16, John Anderson was commissioned constable.

September 21, a voting precinct was established at Hyatt, and Isaac Pilcher, B. D. Benedict and A. McArthur were appointed judges; also, a precinct was established at Cresco, and C. H. James, Daniel Long and John Eaton were appointed as judges for the October election.

October 7, 1857, the board of county commissioners divided the county into municipal townships, and established their boundaries, and named them as follows: Walker, Monroe, Jackson, Reeder, Madison, Washington, Geary, Harrison, Clay and Franklin. The townships of Madison, Geary, Clay and Franklin were never organized, and the territory embraced in their limits has since been included in other townships.

November 25, 1857, B. F. Ridgeway was appointed county surveyor, by the board of county commissioners.

November 16, M. T. Williams was appointed county clerk by the board of county commissioners.

A mass meeting of the citizens of Anderson county was held in the timber near the residence of A. Simons, on the 15th of August, 1857. Wm. Puett was elected chairman, and J. G. Reese, secretary. The meeting was addressed by Dr. J. G. Blunt, who stated the object of the meeting; also, W. F. M. Army, Dr. Rufus Gilpatrick, D. B. Jackman and William Spriggs made addresses. A committee of nine was appointed to report candidates for county offices; also, for representatives to the Territorial Legislature, on motion of Dr. Gilpatrick; and on the adoption of this motion, Judge Army and others withdrew from the meeting a short distance, across a ravine, and organized another meeting. Army and his friends were opposed to the meeting doing any act that would recognize the bogus laws, or yield obedience thereto. The committee reported the names for candidates, as follows: Samuel Anderson, for probate judge; G. A. Cook, for sheriff; James Fitten, for coroner; A. Simons, for clerk; Isaac Hiner, for treasurer; William Puett, for assessor; B. F. Ridgeway, for surveyor; for justices of the peace, James Sutton, Samuel Mack, William Smith and Rezin Porter; for constables, John Anderson, Oliver Rand, William H. Ambrose

and Benjamin Clark. The following persons were chosen delegates to the district convention, to be held at the house of Mr. Grant: James Hanway, James Snodgrass, W. O. Cloud, Samuel Anderson, Dr. Thos. Lindsay, Isaac Hiner, John B. Stitt, Darius Frankenberger and W. L. Webster. John B. Stitt was nominated as a candidate for representative to the Territorial Legislature. The following gentlemen were appointed to confer with other county delegations of this district, in regard to the nomination of candidates for representatives: Samuel Anderson, Dr. Lindsay, D. Frankenberger, John Pryor and G. A. Cook.

Army and his friends organized their meeting by electing Isaac Hull, chairman, and S. P. Hand, secretary, when speeches were made by Army, D. B. Jackman and Wm. Spriggs against going into an election under the bogus laws. The meeting adopted a long series of resolutions, among which were the following:

“Resolved. That we will use all legal means to resist every attempt to force upon us a Territorial government, and taxation to sustain such government, which is in violation of the constitution of the United States and the organic act; therefore,

“Resolved. That we will use all legal means to resist every attempt to force upon us a Territorial government, and taxation to sustain such government, which is in violation both of the constitution of the United States and the organic act of the Territory.”

Then follow several resolutions, censuring the

Territorial Legislature, at its previous session, for locating the county seat and providing for the erection of county buildings, without first submitting the matter to a vote of the people: and declaring that the meeting repudiated such acts, as tending to the disturbance of the peace of the county, as follows:

“Whereas, The new apportionment and attempt under it to disfranchise nineteen counties (of which we are one), gives us just reason to believe the future will be, as the past, which has been marked by injustice, and a determination on the part of those who profess to act under the so-called Territorial laws, to deprive us of a full and fair representation: therefore,

“Resolved, That a committee of five persons be appointed by the chairman, to obtain an expression of the citizens of that portion of Kansas, and to obtain, if deemed practical, a nomination of a person to fully represent the nineteen disfranchised counties in the Territorial Legislature.”

The chairman appointed on this committee, D. B. Jackman, Richard Mills, Solomon Kauffman, J. A. Harvey and B. L. Adington.

On the 25th of August, 1857, the following request for a Free State convention was issued in Anderson county:

“At a mass convention of the Free State party of Anderson county, the undersigned were chosen a committee to confer with the citizens of the other counties comprising the Tenth council district, to take such steps as may be necessary for the holding of a convention for deliberation and council. The apportionment, as made, is not to be changed. We are associated with Linn, Lykins and Franklin counties, together with a large portion of South-

ern Kansas. No district committee, regularly elected, is authorized to call a convention. By the express wish of the people, in convention assembled, we assume the responsibility. We ask you to waive all seeming irregularity in our call, and to meet in Osawatomie on Monday, September 15, at ten o'clock a. m., for the purpose of nominating a suitable person to represent the Tenth district in the next Territorial Legislature, if the best interests of the party require; also to transact such other business as the committee may deem necessary.

“DAVID B. JACKMAN,

“RICHARD MILLS,

“J. A. HARVEY,

“SOLOMON KAUFFMAN,

“B. L. ADINGTON,

“County Committee.”

On the 15th day of September, 1857, a Free State convention was held at Hyatt, for the nomination of candidates for county officers. Isaac Hull was elected president, and S. W. Kilbourne, secretary. W. F. M. Army addressed the meeting, and the following nominations were made: For probate judge, Solomon Kauffman; county commissioners, James C. Hauser and Ephraim Coy; county clerk, C. J. Farley; sheriff, C. E. Dewey; treasurer, William G. Nichols; surveyor, B. F. Ridgeway; coroner, Dr. Kerr; assessor, Jeremiah Brown; justices of the peace, D. B. Jackman, Greeley; Dr. Thos. Lindsay, Garnett; B. L. Adington, North Pottowatomie, and R. D. Chase, Cresco; constables, Samuel Kilbourne, Jesse McDaniel, A. D. Jones, and Jacob R. Shields. The following resolutions were passed by the convention:

“Whereas, The example of our forefathers has taught us to resist every attempt which may be made to disfranchise us as citizens; and whereas, the system of districting and apportionment for members to the Territorial Legislature of Kansas shows an unquestionable determination to deprive us of our rights as citizens, in that it provides no representation in either branch of the Legislature for nineteen counties, including nearly half the population of the Territory, thus placing us in the position of the patriots of the revolution who were taxed and refused representation; and whereas, the course pursued by the constitutional convention at its session at Leecompton last week, in regard to the members elect to represent this county in that convention indicates that we are not to be allowed a representative in that body, or a voice in regard to its action: therefore,

“Resolved, That we, the citizens of Anderson county, approve the course pursued by the two delegates from our county in their demand for the return of their certificates from the constitutional convention, which we consider to be a denial of our right to be represented, and illegal, on the grounds that this and other counties are not represented.

“Resolved, That we will make one more effort to be represented in the Territorial Legislature, in proportion to our population.

“Resolved, That John McDaniel, of South Pottowatomie, and J. B. Stitt, of Greeley, be candidates, as regular delegates, in the Territorial Legislature.”

On the 5th day of October, 1857, the first election was held in the county for county officers. Only four precincts made returns of this election to the county commissioners. The following is the vote had at this election:



## CANVASS OF THE ELECTION OF OCTOBER 5, 1857.

CANDIDATES.	Croft	Adin	Hyatt	Shan	Total
Delegate to Congress—					
M. J. Parrott, - - -	36	32	60	66	194
E. Ransom, - - -	1			1	2
Councilman—					
H. B. Standiford, - -	36	32	60	67	195
Representatives—					
John Curtis, - - -	36	32	60	66	194
Samuel Stewart, - -	36	32	60	66	194
C. Columbia, - - -	36	32	60	65	193
John McDaniel, - -	36	3	54	13	106
John B. Stitt, - - -	36	3	53	11	103
Probate Judge—					
Solomon Kauffman, - -	34	23	60	14	131
S. Anderson, - - -	2	2	9	51	64
County Commissioners—					
James H. Hauser, - -	36	22	60	14	132
Ephraim Coy, - - -	36	20	50	13	119
D. Frankenberger, - -			11	57	68
John McDaniel, - - -			10	54	64
Sheriff—					
C. E. Dewey, - - -	36	21	57	12	126
G. A. Cook, - - -		10		54	64
County Treasurer—					
W. G. Nichols, - - -	36	19	58	10	123
T. Fitten, - - -		10			10
Isaac Hiner, - - -				56	56
Recorder—					
C. J. Farley, - - -	36	21	59	12	128
A. Simons, - - -		10		54	64
Surveyor—					
B. F. Ridgeway, - -	36	21	58	6	121
Justices of the Peace—					
D. B. Jackman, - - -	56	12	22		90
T. Lindsay, - - -	55	1	21		77
H. Williams, - - -	54	64	21		139
B. L. Adington, - -	52	64	31		147
R. D. Chase, - - -	55	64	22		141
James Sutton, - - -		10		55	65
Samuel Mack, - - -		10		54	64
W. Smith, - - -		10		64	74

The "Herald of Freedom," speaking of the October election, 1857, in Anderson county, says:

"Adington, 30 to 0; Cresco, 35 to 1; Hyatt, 60 to 0; Shannon, 66 to 1; the whole vote for the Free State ticket is 257, to 2 for Ransom, or 130 to 1, for freedom. Of course the whole ticket was elected. It is reported at Lecompton that the entire vote, save such as was cast at Shannon, will be rejected."

This vote was not canvassed until the 26th of November, 1857. On the canvass of the vote the probate judge threw out all the returns except the Shannon precinct, and made the following order on his record:

"Shannon, the County Seat of Anderson County, Territory of Kansas, the 26th day of November, A. D. 1857: That all the above precincts, except Shannon, have been thrown out, by order of the judge of the probate, in and for Anderson county, Kansas Territory.

"GEORGE WILSON,

"Judge of the Probate in and for the County of Anderson, Kansas Territory."

And on the 28th day of November, 1857, the further order in the matter appears on the record of the proceedings of the county commissioners:

"The board of county commissioners met this 28th day of November, 1857, George Wilson as president, and John McDaniel as associate (a called meeting), being present. George Wilson, judge of probate in and for the county of Anderson, K. T., decided that the Shannon precinct shall stand according to the poll book of October 5, 1857.

"M. T. WILLIAMS,

"Clerk of the Court."

Judge Wilson wrote Governor Stanton the follow-

ing letter in explanation of his action in rejecting the votes cast at the precincts of Hyatt, Adington, Cresco and Greeley :

"Shannon, the county seat of Anderson county, K. T.,

" December 1, A. D. 1857.

" To his honorable excellency, F. P. Stanton, Secretary of the Territory of Kansas, and acting Governor: Relative to all of the precincts, excepting Shannon: First, in regard to the precinct of Greeley (or Blunt), is not properly authenticated by the judges, nor the clerks at the foot of the roll. Regards the precinct of Hyatt, every species of fraud was practiced at the polls. Also, in Adington the same species of fraud was practiced. Robinson's precinct, it is believed, a great number of illegal votes were sent there. These are my reasons for throwing these precincts out. I sustain the precinct of Shannon, as it is the only legal precinct in the county: although it is undecided whether the election was held on the county seat or Samuel McDaniel's, as it was held within the yard, or on the line, a few feet from the section stone; and there is but one difference in the footings at this precinct, and that is but one vote in the footing, which I have corrected, as you will see on the poll books. Therefore I have come to the decision of allowing but one precinct, of Shannon, as the only legal one in the county. Therefore I call upon your excellency, as judge of the probate, in and for the county of Anderson, to issue the commissions for the respective officers as was elected in this precinct of Shannon, the county seat of Anderson county, Kansas Territory. That there was no division of the county into the different precincts properly authenticated, until two days after the election. The board of county commissioners laid it off into precincts without sending any returns to the secretary, which was contrary to law. Respectfully, your ob't. serv't.,

" GEO. WILSON."

This action of the probate judge gave the election

to the following persons: Probate judge, Samuel Anderson; sheriff, G. A. Cook; recorder, A. Simons; treasurer, Isaac Hiner; county commissioners, D. Frankenberger and John McDaniel; surveyor, B. F. Ridgeway. Acting Governor Stanton issued commissions to all the persons so declared elected, bearing date November 28, 1857, and they all qualified under said commissions. G. A. Cook, A. Simons and D. Frankenberger refused to take the oath to support and sustain the law of Congress, commonly known as the "fugitive slave law." They took the oath with this omission. The other officers elect took the oath as prescribed by the laws of 1855.

At the October election, 1857, councilmen and members of the House of Representatives in the Territorial Legislature were elected. Anderson, Franklin, Lykins and Linn counties constituted one council district, and elected one councilman from the district. Anderson county was one of the nineteen counties that had but three members in the House of Representatives. At this election Samuel Stewart, C. Columbia and John Curtis were elected to the House. This was called one of the nineteen disfranchised counties.

The members elected at this election composed the first Free State Legislature of the Territory.

On the 29th of August, 1857, a Free State convention was held at Grasshopper Falls. G. W. Smith, of Lawrence, was elected permanent president, and

the following delegates from Anderson county were present and participated in the convention : Solomon Kauffman, C. E. Dewey, D. B. Jackman, W. F. M. Army and Rufus Gilpatrick. This convention was called to consider the question of most vital importance to the people of the Territory—whether the government of the Territory should be controlled by bona fide citizens thereof. This convention passed resolutions in favor of going into the election in October and electing officers.

On the 22d of December, 1857, W. L. Webster was appointed superintendent of public buildings in Anderson county; and on the 23d of the same month M. Puett was appointed by the board of county commissioners assessor of the county, and was the first assessor of the county.

In the fall of 1857 there was much sickness in Kansas. In the “Herald of Freedom” we find the following article :

“It has been reported that much sickness has been experienced on Pottowatomie creek the past season. Mr. Army informs us that at one time he had at his house twenty-six sick persons, whom he took to his home to nurse; most of them young men, who settled in the timber and had been using creek water. Of this number three have since died; and the remainder have recovered and gone to their usual occupations.”

On the 5th of October, 1857, D. B. Jackman, Henry Williams, B. L. Adington, Dr. Thos. Lindsay, R. D. Chase, Samuel Mack and James Sutton were elected justices of the peace; and on the 23d

of December, of the same year, Daniel Fraker was appointed coroner by the board of county commissioners.

The Territorial Legislature in 1857 provided for the office of recorder by land districts. Anderson county was located in what was known as the Pawnee land district; and George A. Reynolds was appointed land district recorder of the Pawnee (or Lecompton) district. The law provided for putting on record in the office any deed, mortgage, or other instrument affecting titles to real estate; that the instruments would have the same binding effect, when filed in said office, as if recorded in the county where the land was situated. The result of establishing this office at Lecompton was that most of the instruments affecting real estate, for three or four years, were recorded in this office; and when Quantrell made his raid on Lawrence, on the 21st of August, 1863, the records of this office being in Lawrence, were destroyed; and there are many pieces of land in this county, the titles of which were recorded in this office, and no record or transcript of the same can be found.

The "Herald of Freedom" of September 19, 1857, has the following under the head of "Mail Routes in Southern Kansas:"

"All towns and localities that desire mail facilities are requested to communicate with W. F. M. Arny, Hyatt, Kansas, previous to the 25th day of October, and to furnish him all necessary information with regard to routes



desired, and location of offices. In accordance with his appointment by the railroad and mail route convention held at Hyatt, Kansas, and Butler, Missouri, he expects to start to Washington City about the first of November, and will attend to any business during his sojourn there that may be placed in his hands, so that the present irregularities in the mails and routes may, if possible, be corrected."

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## CHAPTER VIII.

*Commissioners to Attend Voting Precincts—Election Under the Lecompton Constitution—Resignation of County Officers—Appointment of Agent to contest claim—Election of Delegates to Leavenworth Constitutional Convention—Election of County Officers—Election on Leavenworth Constitution—Jurisdiction of Probate Judge—Troubles in Western part of county—Contract to Erect Public Buildings—Vote on Lecompton Constitution.*

THERE was much dissatisfaction among the people over the action of the probate court in throwing out the votes of three townships, and declaring the persons who received the highest number of votes at Shannon precinct elected, and there was dissatis-

faction with the acts of the county commissioners, who, on the 30th of November, 1857, entered into a contract with Dr. Preston Bowen to build a jail and court house at Shannon, and made an order appropriating \$1,000 for that purpose.

On the 18th day of January, 1858, the board of county commissioners, in order to ascertain the wish of the people, submitted the matter to a vote, under the following order :

“ It is ordered by the board that a special commissioner be appointed to attend to the election to be held on the 26th inst., in each precinct, for the purpose of ascertaining the will of the people on the building propositions; for or against the resignation of county officers; and also, to ascertain the will of the people as to the propriety of proceeding with the present proposed county building.”

The following named persons were appointed as special commissioners to attend the several voting precincts: W. L. Webster, Central City precinct; D. D. Judy, Pottowatomie precinct; Wm. Bayles, Shannon precinct; James Y. Campbell, Hyatt precinct; Luther Fitch, Adington's precinct.

January 29, 1858, the returns of the election held on the 26th of January were canvassed, and the board made the following record of the canvass :

“ Upon counting the returns made by the commissioners appointed to take the vote on the resignation of the county officers and public building, it was found that 58 votes were cast for the resignation of officers and 25 against; for the erection of public buildings, 23; against, 70.”

After the canvass of the vote the county officers made out their resignation, as follows :

"Whereas, The officers of Anderson county, having learned that there was dissatisfaction among the people of said county in regard to their retaining the offices to which they were commissioned, on account of the disfranchisement of a majority of the voters at the October election: and whereas, the board of county commissioners, at their regular term on the 18th day of January, 1858, passed an order submitting the matter to a vote of the people at the election for councilmen on the 26th day of January, 1858: and whereas, a majority of the votes polled on that day were in favor of the present officers resigning their commissions:

"Resolved, That we will immediately turn over to the Governor of the Territory our resignations, to take effect from and after the third Monday in March, 1858.

"SAMUEL ANDERSON.

"DARIUS FRANKENBERGER.

"JOHN MCDANIEL.

"G. A. COOK.

"A. SIMONS."

On the 21st day of December, 1857, an election was held for State officers and members of the State Legislature, under the Lecompton constitution. The vote of Anderson and Franklin counties, for Governor, was as follows: G. W. Smith, Free State, 577; F. Z. Marshall, Pro-Slavery, 3; constitution, with slavery, 1; constitution, without slavery, 10.

In the apportionment, under the constitution, the counties of Anderson, Franklin and Lykins constituted the Ninth senatorial district, and were entitled to one senator, and elected H. H. Williams to that office. The counties of Anderson and Franklin

constituted the Fifteenth representative district, entitled to one representative, and elected Perry Fuller.

On the 4th day of January, 1858, a second election was held in the Territory, under the act of Congress of the 17th of December, 1857, on the adoption of the Lecompton constitution. There were 177 votes cast in Anderson county, against, and none for.

On the 29th of January, 1858, the board of county commissioners rescinded the order and contract it made on the 30th of November, 1857, appropriating \$1,000 for the erection of county building.

In the early settlement of the county a German family by the name of Schutte settled on the south branch of the Pottowatomie, near Greeley. They made their settlement before the public lands were surveyed by the government, and when the survey was made and the land divided into sections it was ascertained that Schutte had settled on section 36, which, under the organic act, was set apart for common schools. The county commissioners were notified by J. Y. Campbell and others that Schutte was living on a school section, and requested to commence proceedings to recover the same. On the 11th day of March, 1858, the commissioners made the following order in the premises :

“At a special meeting of the board of county commissioners of Anderson county, and Territory of Kansas, for the purpose of appointing an agent for the aforesaid county

to prosecute the claim of the county in the land office against Zacharias Schutte, sen., and Zacharias Schutte, jr., and to take such other steps as may in his opinion be necessary to secure the county in the legal possession of the east half of section No. 36, township 19, range 20."

And the board then appointed James Y. Campbell as agent to represent the county in the contest for the lands; and under the appointment as such agent a large number of witnesses were taken to the land office at Lecompton to carry on the contest, but to no avail, as the county had no interest in the land, and could claim no right adverse to the settlers, as the land was not set apart for the county, but for the common schools. The contest cost the county about four hundred dollars. It was a mistake of the commissioners that the tax payers had to meet, and at a time when the assessment roll was small. A few such mistakes as this, made about this time by the commissioners, caused the orders of the county for nine or ten years to be hawked about and sold at from 40 to 50 cents on the dollar, and dull sale at that price; and merchants were reluctant to take them even for goods.

On the 9th day of March, 1858, an election for three delegates to a constitutional convention to frame a State constitution and State government, was held. W. F. M. Arny, William Spriggs and W. L. Webster were elected as such delegates. The convention assembled at 9 o'clock a. m., on the 13th of March, 1858, at Minneola, and elected James H.

Lane as president, and then adjourned to Leavenworth to reassemble on the 25th of March.

On the reassembling of the convention and the appointment of committees, General Lane resigned his position as president of the convention, and Martin F. Conway was elected. This was known as the Leavenworth constitutional convention.

On the 12th day of February, 1858, the Territorial Legislature passed an act relating to the election and duties of county officers. This law provided for the election of a township board in each township, composed of three supervisors, with a clerk and treasurer. The county board of county commissioners was changed to a board of supervisors, and consisted of the chairmen of the board of supervisors from each township, a majority of which constituted a quorum. The law provided for an election on the fourth Monday of March, 1858, for probate judge, sheriff, county surveyor, register of deeds, county clerk and county attorney.

At this election the following county officers were chosen: Probate judge, J. Y. Campbell; sheriff, G. A. Cook; register of deeds, M. Puett; surveyor, B. F. Ridgeway; county attorney, John B. Stitt; and county clerk, B. L. Adington.

The following persons constituted the first board of supervisors: James E. White, Rezin Porter, John McDaniel, A. McArthur and Solomon Kauffman. The first meeting was on June 2, 1858. At this meeting the board organized by the election of



James E. White as chairman, and Benjamin Adington as clerk. The members of this board of supervisors were from Walker, Monroe, Jackson, Reeder and Washington townships, being the only organized townships in the county.

On the 18th of May, 1858, an election was held for the adoption or rejection of the Leavenworth constitution, and for the election of State officers and members of the Legislature. There were only six votes against the adoption of the constitution in this county. Anderson county was designated as the Twenty-eighth representative district, and was entitled to two representatives, and also constituted the Seventeenth senatorial district, and was entitled to one senator. At this election John R. Eaton and John T. Lanter were elected members of the house, and James G. Blunt as senator. William Spriggs was elected as judge of the Fourth judicial district.

The Territorial Legislature, in 1855, attempted to confer civil and criminal jurisdiction on the probate court, concurrent with the district court. After this the probate judges throughout the Territory held regular terms of court, with the same officers and juries as provided for in the district courts. On the first Monday in September, 1858, the probate court of Anderson county held its regular term at Shannon. This term of the court was presided over by Judge J. Y. Campbell, in which he had both grand and petit juries. The following are the names of the petit jurors: Wm. G. Nichols, T. G. Headly,

G. W. Yandall, Wm. G. Hill, James Fulsom, Eli P. Baugus, D. Frankenberger, John H. Pattie, Wm. Davis, Jesse Sutton and C. J. Auckerwald. The following are the names of the grand jurors: Paul Ross, Thomas Maloy, W. O. Cloud, Preston Bowen, John Tefft, A. D. Jones, C. W. Ballard, C. Chamberlain, — Taylor, Benjamin Griffin, F. M. Glasscock, Wm. Rison, J. L. Bockover, Wm. Lambert, W. N. Bradwell, Hiram Tefft, Henry Alderman, Wilson Anderson and J. S. Robinson. The probate judge delivered a written charge to the jury, laying down the law that should govern them in the discharge of their duty, and delivered an address on the state of the country, which was about three hours in length. This term of the court continued for several days, and several indictments were found, yet we are unable to find any record or papers of the same.

The district court sat in the county a short time after this, and decided that the act conferring civil and criminal jurisdiction on the probate court was in violation of the organic act, organizing the Territories of Nebraska and Kansas; that the proceedings of the probate court under said act were void.

Before this time many amusing cases had been tried in the probate court, and some ridiculous decisions made; but they were all set aside by the federal judges, who held the law under which the probate judges had made the decisions unorganic.

The second term of the district court in the

county was held by Joseph Williams (one of the federal judges appointed by James Buchanan), about the first of October, 1858. The following are the names of the petit jurors : Isaac Hull, W. D. West, John Kirkland, Henry Feuerborn, Benj. McClachey, James Sutton, James W. Culton, Leander Putnam, Thomas Bayles, Charles Norris and B. P. Brown. The following are the names of the persons who served on the grand jury : W. C. Howard, D. B. Swallow, Isaac Hiner, O. P. Rand, Samuel Hayden, A. Cassell, Benj. Lawellen, John R. Lambdin, John Eaton, A. W. Jones, George Simons, W. Smith, Joseph Benadum, Philip Engle, S. W. Arrant, W. McClure and H. South. This term of the court lasted one week. The grand jury returned a number of indictments, and the records of its proceedings, being very meager, showing only the indictments and arrests, are the first records of a court to be found in the county.

A short time before this there had been much trouble on the head waters of the Pottowatomie, along the line of Coffey and Anderson counties, where some of the better class of citizens settled, and some still live ; also, there was a class who respected no law but their own code ; and the result was a people's court, organized to determine the rights of men. They would neither respect the law nor its officers, hence the grand jury, in October, 1858, found indictments against most of them, and caused them to be arrested. They gave bail,

but were never tried, as the indictments were nearly all quashed at the April term of the district court, 1859. The federal judges seemed to be prejudiced against all enactments of the Legislature after the laws of 1855 had been repealed: and it was an impossibility to prepare an indictment that would be sustained by these judges. There was never a man punished in this part of the Territory by the decision of any of the federal judges.

No civil cases were tried in the district court of the county until the spring term, 1859. The first original case commenced in the court was the case of Tobias Lankard against Hendrick Bowton, David P. Bethurem, David B. Shaner, David F. Tabler, L. L. Hayden, George Lincoln, Ezekiel Bull and Albert V. Poindexter. The petition was filed September 27, 1858. Lane and Christian were the attorneys for the plaintiff; Houston, Williams, Sims and Lowry were the attorneys for the defendants. This was an action of trespass, to recover damages for personal injuries, &c. The difficulty grew out of the troubles on the western border of the county, where the people undertook to redress their own grievances without the aid of the judicial branch of the government. A number of civil cases grew out of these troubles, as well as criminal prosecutions, but, to the credit of the county, the persons who created and promoted the troubles have left the country, and their places are filled with industrious and honest citizens, and that is now one of the most

desirable portions of the county, containing some of the finest farms in the State, and some of the most successful farmers.

On the 14th day of June, 1858, the board of supervisors of the county entered into a contract with Dr. Preston Bowen for the erection of a jail and court house, at his own expense, and he obligated himself to have the building ready for occupancy on or before the first day of June, 1859. At that time Shannon was the county seat, and Dr. Bowen was the sole proprietor of the townsite. He soon after commenced the construction of the jail, and had it about completed in the fall of 1858, and commenced work on the court house during the same winter ; but in the spring of 1859 the Legislature provided for the location of the county seat of Anderson county by a vote of the people, and upon a vote of the people, in the same spring, the county seat was moved from the town of Shannon to Garnett, and the Doctor's contract failed. The county at one time had possession of the jail for the purpose of confining its prisoners. The old jail still stands, a short distance south of the residence of Dr. Bowen, and is used by him for an out-house.

On the 3d day of June, 1858, J. W. Denver, Governor of Kansas Territory, issued his proclamation, calling an election under the act of Congress of May, 1858, commonly known as the English bill, for the adoption or rejection of the Lecompton constitution ; said election to be held on the 2d day of August.



Solomon Kauffman, C. C. Hoskins and Wm. H. Hamilton were appointed judges for Cresco precinct; John H. Best, B. P. Brown and B. L. Adington, for Adington precinct; Isaac Pilcher, A. McArthur and B. D. Benedict, for Hyatt precinct; John T. Barker, James Y. Campbell and Preston Bowen, for Shannon precinct; W. C. McDow, D. B. Jackman and J. W. Culton, for Walker precinct.

The vote was as follows: For—Hyatt, 0; Shannon, 3; Cresco, 1; Adington, 0; Walker, 0; total, 4. Against—Hyatt, 55; Shannon, 109; Cresco, 40; Adington, 32; Walker, 70; total, 306.

In the spring of 1858, about the time J. Y. Campbell was elected probate judge of the county, a dispute arose between him and Judge Anderson on the question of the jurisdiction of the probate court in criminal cases. After considerable examination of authorities, neither of the judges was clear in the premises, and agreed to submit the question for decision to Dr. Bowen, and to be governed by his decision. The Doctor seated himself on a dry goods box, and the question was stated and argued by Campbell and Anderson: upon consideration of which, and being advised in the premises, the Doctor read the statute of 1855, conferring criminal jurisdiction on probate courts, concurrent with district courts, and decided that in his judgment the enactment was valid; that he could see no reason why the probate court did not have criminal as well as civil jurisdiction, as provided in the law. This



opinion was satisfactory to both old and new judges.

During the time that Samuel Anderson was probate judge there were several amusing trials in the probate court, and many ridiculous decisions made. As an illustration of the manner of conducting business in his court, we give the following, wherein the Territory of Kansas was plaintiff and Zacharias Schutte, sen., was defendant. Schutte had been indicted for trespass on school lands, and was arraigned on the indictment, and plead "Not guilty." His case was then submitted to a jury, under the instructions of the judge, which returned a verdict of "Guilty;" whereupon the judge proceeded to pronounce sentence against Schutte; and after delivering an amusing lecture to Schutte, on morals and christianity, assessed a fine against him of \$700, and that he be committed to jail until the fine and costs should be paid. At this most outrageous fine Schutte became indignant, and defied the judge to enforce the judgment; whereupon the following colloquy ensued: Schutte rising to his feet addressed the Judge: "Shudge, you vants my moneys—von old humbug-maker; I vant no trial mit you; I vants to be tried mit der Governor. You bes von humbug. Now, Shudge, I vish you'd bring home my log-chain, vat you stole." At this expression the Judge turned to his clerk and ordered a fine to be entered against Schutte of \$200, for contempt of court. At this Schutte became more furious, and said: "Tish my moneys you vants, you d—d old

fool! D——dest humbug in dis United States! Bring home my log-chain vat you stole!” And the Judge assessed another fine of \$200, and the same was repeated, until the fines in the aggregate for contempt amounted to \$1,400, but Schutte finally walked quietly away, defying the court to enforce its orders, threatening the Judge with an appeal to the Governor in that event. The Judge, outwitted by Schutte, never tried to enforce his judgment.

About the same time another interesting case was tried in the same court. Thomas J. Owen was plaintiff, and Dr. John Ramsey was defendant. The action was for damages, because of the shooting of a fine mare by Ramsey. A jury was empaneled, and Alex. McArthur called as witness for plaintiff, and the Judge proceeded to swear the witness, as follows: “Mr. McArthur, stand up. Mr. McArthur, you are a man of influence, that should be an example to those around you: you have been called as a witness in this case. You are to be sworn to tell the truth, the whole truth, and nothing but the truth. And now, Mr. McArthur, I desire to say that if you don’t swear to the truth I will prosecute you for perjury, so help me God! Mr. McArthur, proceed and tell all you know about the case.” As the last sentence escaped his mouth, he quietly settled back in his chair and was soon sound asleep, while the case proceeded.

Many cases of about the same style could be given, to prove the business of the court was con-

ducted without order or dignity, some of which may be noticed hereafter in this work.

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## CHAPTER IX.

*Convention at Ottumwa—Election of Members of Territorial Legislature—Establishing Mail Routes in Southern Kansas—Free State Men called on to Defend Settlers in the Border Counties—Posse from Coffey County arrest Settlers of Anderson County—Burning of Painter's and Fox's Cabins by a Mob—Marais des Cygnes Massacre—John Brown's Parallels—Liberation of Slaves—Squatters' Court Organized in Anderson, Linn and other Counties—First meeting of the Republicans of Anderson County.*

IN September, 1858, a Free State convention was held at Ottumwa, in Coffey county, for the nomination of candidates for members of the Territorial Legislature from the counties of Richardson, Davis, Wise, Breckenridge, Weller, Madison, Butler, Hunter, Greenwood, Bourbon, Godfrey, Allen, McGee, Woodson, Coffey, Anderson and

Franklin, commonly known as the nineteen disfranchised counties, entitled to three representatives. L. D. Bailey, T. R. Roberts and William Spriggs were nominated by the convention.

On the 4th of October, 1858, an election was held for members to the Territorial Legislature. At this election L. D. Bailey, T. R. Roberts and Wm. Spriggs were elected to represent these counties. William Spriggs was the first person from Anderson county who held a seat in the Legislature of the Territory.

On the 11th day of January, 1858, a mail route was established from Leavenworth to Humboldt, and service commenced on the route on the 24th of April following, via Prairie City, Ohio City, Fairview, Hyatt, Carlyle and Cofachique. The route was staked out from Ohio City to Fairview by William Spriggs and others, in the latter part of March. There was at the time a road leading from Fairview to Hyatt, via the Adington crossing of the Pottowatomie, passing on the west side of Cedar creek until near Hyatt, where Cedar was crossed. A few days before the mail service commenced on the route, Dr. John W. Scott and others staked out the route from Carlyle to Hyatt. The mail was carried on this route by Zach. Squires; was at first only once a week, on a small mule, but soon after tri-weekly, in a two-horse hack. Squires also acted as expressman, there being no express line along the route, and seldom charged the people along the line for

small packages, and other articles, and was accommodating and of good service to the settlers.

In 1859 the route was changed from the west side of Cedar, via Garnett, and in the spring of that year a postoffice was established at Garnett, and Dr. Thomas Lindsay was appointed postmaster. The first mail received in the town of Garnett was in May, 1859—consisting of about twenty-five letters and fifty papers.

On the 31st of March, 1858, the following mail routes were let in Southern Kansas: No. 15007, from Butler, Missouri, by Moneka, Hyatt, Hampden, Burlington, Ottumwa, California, Florence, Emporia, to Council Grove; 150 miles; No. 15016, from Osawatomie to Walker (now Greeley); No. 15026, from Shermanville, by Cedar Bluff, to Cofachique.

On the 19th of December, 1857, notice was sent by Capt. James Montgomery to the Free State men of Anderson county, to raise all the men with arms they could and proceed to the Free State camp on Sugar creek, west of Mound City, for the purpose of defending the homes and property of the Free State men, which were threatened by an army of Border Ruffians then in Bourbon county, near Fort Scott. That day and night were spent in gathering up recruits; and early next morning about fifteen men started from Reeder township for the Free State camp, and among the number were John S. Robinson, Solomon Kauffman, Samuel H. Hill, Wm.

G. Hill, David S. Eaton and Wm. G. Eaton (the names of the others we have forgotten), together with a number of Free State men from Pottowatomie. They found a large number of the Free State men in camp near Danford's mill. General James H. Lane, Montgomery and Wm. A. Phillips (now a member of Congress) were the leaders. They then marched to Fort Scott and returned, and were disbanded and admonished to quietly, in small squads, return to their homes, bearing the impression that nearly the entire command was still in camp, which had the desired effect, as the Border Ruffians soon departed for their homes in Missouri. The party from Reeder township returned on Christmas day.

On the 5th of June, 1858, Charles Edwards, with a posse of men from Coffey county, came to Cresco to arrest Milan Grout, T. W. Painter, Christian Fox and Robert Crocker, on the charge of being horse thieves. They took Painter and Fox to Central City where the mob, headed by Edwards, of Coffey county, and Peter Walters, of Anderson county, undertook to give the prisoners a sham trial. The authorities at Garnett were notified, and on the next day (Sunday) the sheriff, G. A. Cook, went to Central City; and the few law-abiding citizens of Reeder who were present succeeded in putting the prisoners into his hands, when he started with them to Garnett; but before he had gone far the mob interfered and took the prisoners from him and put them



under guard in the west part of a building then unfinished, and since used as a store and hotel by Stephen and Oliver Marsh. That night runners were sent out, and by noon of the next day about 200 men had collected at Central City. A young lawyer by the name of Mitchell was passing through the place, observed the excitement, and inquired the cause; and as the mob was about to organize a court to condemn and hang the prisoners, he mounted a store box and made a short speech in favor of law and order, and moved that the prisoners be turned over to the civil authorities, which motion carried by four majority. The prisoners were then put into a wagon and guarded by a number of the law-abiding men, with their muskets, and taken before Henry Williams, J. P., for examination. No testimony was offered against the prisoners, except a statement of Edwards, which he claimed to have received from a horse thief whom they had hanged a week previous on the Neosho river. The circumstances of the hanging of the horse thief in Coffey county were that some horses had been stolen, and Edwards' mob had taken three men and hung two of the number till dead, and the other till nearly dead, and then let him down with the promise not to take his life if he would give the names of those connected with them; and in order to save his life he gave the names of about forty persons in different parts of Kansas and Missouri; then they again hung him till dead. This was the only testimony offered; and the justice

released the prisoners, it then being after 10 o'clock at night, on the 7th of June, 1858.

On the same night, a part of the mob lay near the house of Mr. Grout, who was a justice of the peace, and absent from home on business, who returned well armed, so that they did not molest him. The other division of the mob went and set fire to the cabins of Painter and Fox, burning their clothing and provisions, leaving them penniless, and against whom there was not a shadow of suspicion. Grout had just come to Cresco with a stock of goods. Crocker had just come into the neighborhood, and was but little known. Painter remained in the neighborhood, built him another house, and continued to improve his claim, and has outlived most of his accusers: and still, with his family, resides on the same piece of land, respected by his neighbors and acquaintances.

On the 19th day of May, 1858, Dr. John Hamilton, with twenty or thirty Pro-Slavery men from the neighborhood of West Point, Missouri, armed with muskets, revolvers and Bowie-knives, reached the Trading Post, in Linn county, and began the work of arresting Free State settlers. After arresting several they placed them in a wagon and started toward the line of Missouri. When they had gone about three miles from the Trading Post others of their number came up with other Free State prisoners. Here the prisoners were ordered to form in line, a few yards to the front, with their faces

toward a ravine, which the prisoners did, and then Hamilton gave the order to fire on the prisoners, who were unarmed and unwarned of the butchery that awaited them. The murderous command was obeyed, and five fell dead, and five wounded, and one slightly wounded, who was soon after shot through the head and killed. The others feigned that they were dead. The Ruffians robbed their bodies and rode away, leaving them all for dead. The names of the murdered men were: Wm. Stillwell, Patrick Ross, William Colpetzer, Michael Robinson and John F. Campbell. The wounded were Wm. Hargrave, Asa Hargrave, Rev. B. L. Reed, Amos Hall and Charles Snyder. Col. Montgomery and others, with a party of men, pursued the murderers to the border of Missouri, near West Point, but returned without accomplishing anything. This was one of the most outrageous, dastardly murders that ever took place on the soil of Kansas. This butchery was not noticed by the administration. Two of these Ruffians had been members of the Lecompton constitutional convention, to wit: Hamilton and Brockett. They sought to attest their devotion to slavery by murdering Free State settlers in cold blood, in expectation that the Lecompton constitution would be passed by Congress, and enforced by the hireling legions of the administration. These men formed the plan for renewing the disturbances in Southern Kansas, for the purpose of securing to their Missouri friends the cabins of the Free State

settlers, thereby preventing the stream of emigration from the North to Kansas, and facilitating the conquest of the Territory to slavery.

The following poem was written by John G. Whittier, in September, 1858 :

LE MARAIS DU CYGNE.

A blush as of roses  
Where rose never grew !  
Great drops on the bunch-grass,  
But not of the dew !  
A taint in the sweet air  
For wild bees to shun !  
A stain that shall never  
Bleach out in the sun !

Back, steed of the prairies !  
Sweet song-bird, fly back !  
Wheel hither, bald vulture !  
Gray wolf call thy pack !  
The foul human vultures  
Have feasted and fled ;  
The wolves of the Border  
Have crept from the dead.

In the homes of their rearing,  
Yet warm with their lives,  
Ye wait the dead only,  
Poor children and wives !  
Put out the red forge-fire,  
The smith shall not come :  
Unyoke the brown oxen,  
The ploughman lies dumb.

Wind slow from the Swan's Marsh,  
O dreary death-train,  
With pressed lips as bloodless  
As lips of the slain !

Kiss down the young eyelids,  
Smooth down the gray hairs:  
Let tears quench the curses  
That burn through your prayers.

From the hearths of their cabins,  
The fields of their corn,  
Unwarned and unweaponed,  
The victims were torn,—  
By the whirlwind of murder  
Swooped up and swept on  
To the low reedy fen-lands,  
The Marsh of the Swan.

With a vain plea for mercy  
Nó stout knee was crooked;  
In the mouths of the rifles  
Right manly they looked,  
How paled the May sunshine,  
Green Marais de Cygne,  
When the death-smoke blew over  
Thy lonely ravine!

Strong man of the prairies,  
Mourn bitter and wild!  
Wail, desolate woman!  
Weep, fatherless child!  
But the grain of God springs up  
From ashes beneath,  
And the crown of His harvest  
Is life out of death.

Not in vain on the dial  
The shade moves along  
To point the great contrasts  
Of right and of wrong:

Free homes and free altars  
 And fields of ripe food;  
 The reeds of the Swan's Marsh,  
 Whose bloom is of blood.

On the lintels of Kansas  
 That blood shall not dry;  
 Henceforth the Bad Angel  
 Shall harmless go by;  
 Henceforth to the sunset,  
 Unchecked on her way,  
 Shall liberty follow  
 The march of the day.

Soon after the Marais des Cygnes murder, John Brown went to Missouri and forcibly liberated eleven slaves and brought them to Pottowatomie, near Greeley, where he remained in a cabin for about one month; and while camped near Greeley he wrote his parallels. Although dated at "Trading Post," it was written in this camp on the Pottowatomie, in Anderson county:

#### JOHN BROWN'S PARALLELS.

"TRADING POST, KANSAS, January, 1859.

"GENTLEMEN: You will greatly oblige a humble friend by allowing the use of your columns, while I briefly state two parallels, in my poor way.

"Not one year ago, eleven quiet citizens of this neighborhood, viz: William Robertson, William Colpetzer, Amos Hall, Austin Hall, John Campbell, Asa Snyder, Thos. Stillwell, William Hargrave, Asa Hargrave, Patrick Ross and B. L. Reed, were gathered up from their work and their homes, by an armed force, under one Hamilton, and, without trial or opportunity to speak in their own defense, were formed in line, and all but one shot—five killed and five wounded; one fell unharmed, pretending to be



dead. The only crime charged against them was that of being Free State men. Now I inquire what action has, ever since the occurrence, in the least been taken, by either the President of the United States, the Governor of Missouri, the Governor of Kansas, or any of their tools, or any Pro-Slavery or administration men, to ferret out and punish the perpetrators of this crime? Now for the other parallel: On Sunday, December 19, a negro man called Jim, came over to the Osage settlement from Missouri, and stated that he, together with his wife, two children and another negro man, were to be sold within a day or two, and begged for help to get away. On Monday (the following) night two small companies were made up to go to Missouri and forcibly liberate the five slaves, together with other slaves. One of these companies I assumed to direct. We proceeded to the place, surrounded the building, liberated the slaves, and also took certain property supposed to belong to the estate; we, however, learned, before leaving, that a portion of the articles we had taken belonged to a man living on the plantation as a tenant, and was supposed to have no interest in the estate. We promptly restored to him all we had taken. We then went to another plantation, where we found five more slaves, took some property and two white men. We moved all slowly away into the Territory for some distance, and then sent the white men back, telling them to follow us as soon as they chose to do so. The other company freed one slave, took some property, and, as I am informed, killed one white man (the master), who fought against the liberation.

“Now for the comparison: Eleven persons are forcibly restored to their natural, individual rights, with but one man killed, and all ‘hell is stirred from beneath.’ It is currently reported that the Governor of Missouri has made a requisition upon the Governor of Kansas for the delivery of all such as were concerned in the last named ‘dreadful outrage;’ the marshal of Kansas is said to be collecting a posse of Missourians (not Kansans) at West Point, in Missouri, a

little town about ten miles distant, to enforce the law. All Pro-Slavery, conservative Free State and dough-faced men, and administration tools, are filled with holy horror.

“Consider the two cases, and the action of the administration party.

Respectfully yours,

“JOHN BROWN.”

This bold transaction on the part of Brown produced considerable excitement throughout the Territory and the whole country. The Governor of Missouri offered a reward of three thousand dollars for the arrest of all those who had participated in the matter. The President of the United States also offered a reward for the body of John Brown, and John Brown, as a compliment to Buchanan, offered a small reward for the body of the President. After remaining in camp about one month he proceeded with the eleven liberated slaves through Northern Kansas, Nebraska and Iowa, and arrived safe with them in Canada in the following spring. This party increased one by the birth of a child while in camp near Greeley. The child was named Capt. John Brown. This was Brown's final departure from the Territory.

In the first settlement of the county came a class of men who had been reared on the frontier, and had kept in advance of civilization, and had generally made their living by speculating in claims on government lands. These men would settle along the streams in the neighborhood of the finest bodies of timber and finest bottom lands; and the first thing after settling they would go over the most desirable

tracts of land and drive down a stake, and write the name of some person as having selected the land for a claim, and in this way take all the most desirable and valuable pieces of land, and when a stranger came in search of a tract of government land to settle upon, these speculators would inform him that all the claims worth settling upon had been taken, but that here was the agent of a man who had selected a claim, and that the claim was for sale, as the claimant had a chance to get another claim by going to the Verdigris or Fall rivers, as that was the nearest that claims could be taken. The stranger, supposing that the claim had been honestly selected, and thinking it better to purchase than to go further into the Territory, would thus be compelled to pay from one hundred to two thousand dollars. The purchaser would erect a cabin, and then start for his family, and on his return would often find that his claim had been sold again, and the second purchaser occupying it with his family; and that the speculator, with his gold in his pocket, had gone to other fields of profit for further speculation. These claims were a source of perplexing contest in the United States land office, and at the end of the contest both parties would have expended as costs more money than the claim was worth. Whoever succeeded in the suit had to borrow funds of some speculator to pre-empt the land, giving a mortgage on the land for the same, paying an enormous interest for the money, and at the end of the year the

speculator got the land for the mortgage; and the land cost the speculator about one dollar per acre. The settler had the gratification of having been the owner of a quarter-section of land for one or two years, and of having put two years' improvements and hard labor on the land to pay for money to preempt the same, and to pay costs in a contest in the United States land office. Kansas has been no exception to such controversies and luxuries, common to most new countries.

In November, 1858, a Free State squatters' court was organized in the counties of Linn, Anderson and Bourbon, for the trial of contested land claims, &c. In order to inspire terror, the judge of this court was called "Old Brown," although Capt. John Brown was in Iowa at the time. Dr. Rufus Gilpatrick was elected judge of the court. The witnesses in this court were sworn on Dr. Gunn's "Family Physician," as no Bible could be found in the neighborhood. None of the cases tried by this tribunal were ever appealed, as it was generally believed that it was a court from which no appeal would lie. Major Abbott and Rev. Stewart (commonly known as the fighting preacher), went around with this court to enforce the orders and decrees made at its sessions. The action of the court was entirely satisfactory to most of the settlers.

On the 16th of January, 1859, ex-Governor Epaphroditus Ransom and 116 citizens of Fort Scott petitioned the Governor to establish martial law in

Linn, Bourbon, Allen and Anderson counties.

The first meeting the Republicans of the county ever held was at Osawatomie, on the 18th day of May, 1859. They met in an old blacksmith shop, north of the Osage Valley House. They met for the purpose of electing delegates to the Osawatomie convention, for the organization of the Republican party. The meeting organized by electing W. A. Johnson, chairman, and Alanson Simons, secretary. The following gentlemen were present. Dr. Rufus Gilpatrick, Dr. J. G. Blunt, Henry Nugent, D. G. Watt, John T. Lanter, Jacob Benjamin, George S. King, William Spriggs, G. A. Cook, A. Simons, S. J. Crawford, B. F. Ridgeway, W. A. Johnson and W. F. M. Army. This meeting appointed Dr. Rufus Gilpatrick and Geo. S. King as delegates to represent Anderson county in the Osawatomie convention. Both Gilpatrick and King were present and participated in the proceedings of the Osawatomie convention, when the Republican party of the Territory was first organized. Dr. Gilpatrick was on the committee on resolutions, and one of the most active members of the convention.

## CHAPTER X.

*Attempt to Poison Banta—Trial of Theodore Royer for Horse Stealing—His Suspicious Disappearance—Marriage of Lou. Phillips and Sarah Potter—His Death—Her Arrest for Murder—Examination, Escape, Return, Re-arrest and Trial—Murder of James Lowry—Trial of his murderers—Conviction of Ford—His Pardon by the Governor—Trial and Acquittal of Tusteson and Knouff—Murder of Mrs. Adaline Duran—Capture and Execution of the Murderer.*

IN 1857 a family named Banta settled on the South Pottowatomie, about three miles northeast of Garnett. The members of the family were Henry H. Banta, his wife Mary O. Banta, and their three children. They came from Wisconsin, and were formerly from New York to that State. Banta was then a young man, vigorous and athletic. He was possessed of a considerable sum of money. He built a house on his claim, and commenced opening a farm, where he expected to make a home for himself and family. His wife was possessed of beauty and personal attraction. There settled in the neighborhood, about the same time, a man named Jeremiah Brown, from Kentucky, possessing neither



beauty nor talent, money nor personal attraction, but was a sort of uncouth, daring character, representing himself to be a widower. The young wife of Banta, from unaccountable reasons, became attached to Brown, and rumors of their undue familiarity began to circulate in the neighborhood. About that time Banta was taken ill, and lingered for a long time. It was suspicioned that he was suffering from the effects of poison, and, from the conduct of Brown and Mrs. Banta, it was believed that they had in this manner attempted to dispose of him. The suspicion grew so strong, and the sentiment so increased against Brown, that he left the county in the night time; and Mrs. Banta soon after left for California, where she soon after married another man. She left Banta in a helpless condition. He lingered for many months, and partially recovered, with his lower extremities partially paralyzed, which rendered him unable to perform manual labor. Banta afterwards married a widow lady named Po-teet, and now resides in the city of Garnett, almost a helpless invalid.

In the fall of 1857 and the early part of 1858 a class of men came into the Territory for the purpose of speculating, having no respect for any one; and, in order to procure stock in trade, commenced borrowing horses in the absence of the owners. One of this class, in the winter of 1858, made his headquarters on the North Pottowatomie, near the claim of Rezin Porter. His name was Theodore Royer.

He was a young man, about 25 years of age, born in Ohio. Early in the spring of 1858 he commenced to gather in his stock of horses. He went to the house of Samuel McCush, near the town of Berea, and found a horse that suited him, and in the darkness of the night he haltered and quietly rode him away. On the next morning McCush discovered that his horse had been stolen, and soon learned that Royer had been seen in possession of him. McCush then went before D. D. Judy, a justice of the peace, and procured a warrant for the arrest of Royer. G. A. Cook, sheriff, pursued Royer to the town of Burlington, arrested and brought him back to Anderson county for trial. Royer had a preliminary examination before D. D. Judy, J. P., who held him in a recognizance to appear for trial at the next term of the court having criminal jurisdiction. Royer was committed to the jail of the county, being unable to give bail. The sheriff kept him under guard for some time at his farm; but the county commissioners ordered the sheriff to have the prisoner kept at Shannon, the county seat. So, Samuel McDaniel was made deputy sheriff, and Royer was turned over to him, at his home near Shannon, where McDaniel placed Royer in irons. A certain class of men had been clamorous for the hanging of Royer; and one morning soon after the prisoner was put in McDaniel's care it was discovered that Royer was missing. The circumstances were strong that the clamorous persons were guilty of his murder. The remains of

Royer were never found, but there was no doubt that he had been hung and his remains sunk in the river. The people of the county never justified this outrageous mobbing of a prisoner, and it was regarded as a high-handed outrage against the law of the land.

In the trial of Royer, before Justice Judy, quite a lively and amusing discussion occurred between D. W. Houston, who had been appointed to prosecute, and Samuel Anderson, counsel for defendant, on a motion to set aside the writ, for the reason that the warrant commanded the body of Royer to be brought before the justice, "dead or alive." Anderson, somewhat intoxicated, with the warrant in his hand, addressed the court, reading the warrant to the words, "bring him forthwith, dead or alive;" then, in a loud voice, said: "Great Jewhilikins! who ever heard of such a warrant—to bring a man dead or alive! If this man had been dead and buried three days, the officer must dig him up and bring his stinking carcass before this right honorable court, to answer the charge of horse stealing." Houston replied to the argument in an amusing style.

In the years 1859 and 1860 there lived a family on the North Pottowatomie named Alderman, consisting of Alderman and his wife. In the winter of 1859 and 1860 a young woman named Sarah Potter came to live with Alderman's family. She was a large, healthy, fine-looking lady. There lived, also, in the neighborhood a young man, by the name of

Leon Phillips. He was an industrious young man, of good character, and had considerable property. During the winter, through the influence of Alderman and wife, a marriage was effected between Phillips and Sarah Potter. Phillips and his young wife lived within a half mile of Alderman's, after their marriage, the families visiting back and forth, and to all appearances the newly married couple were enjoying a high degree of marital happiness. Scarcely six weeks had elapsed until Phillips was taken severely sick, and some days afterward doctors were called, but Phillips lingered only a few days and died, but before his death the conduct of his wife was such as to create suspicion against her. A few hours before his death she insisted that he should make a will, which he did, willing one-half of his property to his brother in Europe and the other half to his wife. The morning after the death of Phillips, and before he had been deposited in his grave, his wife sent Alderman to consult with counsel to know whether or not the will could be set aside. In about three days after his burial her conduct had been so suspicious that the entire neighborhood believed that Phillips had come to his death by foul means; and a complaint was made before M. G. Carr, J. P., who thereupon empaneled a coroner's jury, and had the body taken up and examined by Drs. Blunt and Lindsay, who gave it as their opinion that Phillips came to his death by arsenic poison. The coroner's jury returned a verdict in

accordance with the opinion of the physicians, and that Sarah Phillips, Henry Alderman and Hannah Alderman were guilty of the murder of Phillips. They were arrested and brought before Justice Hidden for examination on the charge. The State was represented by W. A. Johnson, county attorney, assisted by W. Spriggs and D. W. Houston, and the defense by J. B. Stitt, S. J. Crawford, T. A. Shinn, R. B. Mitchell and Byron P. Ayres. On the preliminary examination Alderman and wife were discharged, but Sarah Phillips was committed to answer the charge of murder in the first degree. There being no jail in the county, and none in this part of the Territory, she was kept in charge of the sheriff, under the orders of the county commissioners, at the Garnett House. For two or three months she was allowed to receive and entertain her friends at the hotel: but one evening after supper, when all was quiet, a buggy was driven into town, and about 11 o'clock at night it was discovered that the prisoner had made her escape, and no trace of her could be found. The grand jury that met at the next term of court found an indictment against her for the murder of Phillips.

In 1862 she returned to Kansas, but in the meantime she had been in Cincinnati, Ohio, and had married again. She was again arrested, and made a second escape, but was retaken before she got out of the county. At the September term of the court she had employed Wilson Shannon and G. W.



Smith to defend her : and at their instance the case was removed to Douglas county for trial. She was tried in Lawrence in the fall of 1862. The jury failed to agree, there being nine for conviction and three for acquittal. She was never again brought to trial : being admitted to bail, she fled the country.

The cost of this trial to the county was over three thousand dollars. There was no doubt of the guilt of the prisoner, but owing to many of the witnesses being absent, in the army, she escaped the deserved punishment of the law.

In the early settlement of the eastern part of the county, on Sugar creek, near where H. K. Robinson now lives, settled a young man by the name of James Lowry. He was an industrious young man, with a wife and three children, and had opened a small farm, built a small stone house, and made other improvements. On the 15th of October, 1861, Lowry came in from his work in his field, went to his stable and took out his horse to drive up his cattle from the prairie, and just as he attempted to mount he received a shot in the back, which penetrated the spinal chord, causing death in a few hours. The shot was fired by some cowardly assassin from behind a stone wall. He escaped through the brush and timber, and no one saw who fired it. The dastardly assassination caused great excitement throughout the country. The grand jury that convened in the spring of 1862, on investigating the matter, found an indictment against Nelson Tusteson, William Ford,



E. W. Knouff and Luther Bacon for murder in the first degree. The accused were soon after arrested and confined in the Paola jail until the special term of the district court in July, 1862. The defendants employed D. P. Lowe, W. Spriggs, J. G. Lindsay, Judge Hall and Samuel Stinson. The State was represented by S. A. Riggs, Wilson Shannon and W. A. Johnson. The case came on for trial at the July term, 1862, and defendants asked for separate trials. William Ford was first put on trial, occupying two weeks, which resulted in a verdict of "guilty of murder in the first degree." He was then sentenced to be executed by hanging by the neck till dead, on the 5th of September, following. His case was carried to the Supreme Court, and before the court passed upon the case Governor Robinson pardoned him, which was one of his last official acts; and there were many surmises as to why the Governor pardoned him. The State entered a *nolle prosequi* as to Bacon, to use him as a witness. Knouff was put on trial at the close of Ford's trial, but the jury failed to agree. Knouff and Tusteson asked for a removal of the case from Anderson county, which was granted, and the case removed to Franklin county for trial, and was tried there in 1863, and Knouff and Tusteson acquitted, on account of so many of the witnesses being absent in the army.

A widow lady named Adaline Duren settled in Garnett in the summer of 1857, with her two chil-

dren, Junius and Mary L. She was one of the Louisville colony, was about forty-five years of age, quiet, industrious and highly respected. She supported herself and children by her own industry and economy. She resided on Fifth avenue, between Oak and Walnut streets, in the house now occupied and owned by Mrs. S. J. Hamilton. One evening in August, 1864, Dr. Derby was to lecture on the science of phrenology, and most of the people of the town (it being a pleasant evening) had gone to hear the lecture. Her son Junius was absent in Illinois, and her daughter, Mary, at the lecture : she was left alone, sitting by the bureau, reading. After the conclusion of the lecture Mary returned and found the lamp burning, and saw the book she left her mother reading lying on the floor, and the doors open ; and on the floor near by was a pool of blood, but saw not her mother. She at once gave the alarm : and in a short time search was made and the body found at the northwest corner of the house. She was lying on her back, terribly mutilated, her skull broken on the left side, also near the top of the head, and her head was almost severed from the body. On examination prints of a bloody hand were found in several places. A coroner's jury was empaneled and medical witnesses called, who examined the body, and found that she had been outraged as well as horribly mutilated. The whole community was startled at this horrible murder and outrage, and every one who could render any assist-

ance turned out to find who was the perpetrator. The citizens early next morning met at Moler's Hall and organized for the purpose of finding the assassin. Two or three persons were brought in and questioned, but nothing elicited that gave any clue to the murder. In the afternoon some bloody clothing belonging to a negro named Warren, who was working for D. W. Houston, was found. Warren was brought before the committee in Moler's Hall, and examined in regard to the matter. He then told many different stories concerning the bloody clothing, which were unsatisfactory: and on examination blood was found on his legs and shoes: and finding no sufficient excuse for the same, he confessed the crime, and gave a detailed account of the affair. He said he went to Mrs. Duren's house, where she was sitting by the bureau reading: that he had an ax in his hand, and stepped into the door, before she had time to get up, and struck her a blow on the head and knocked her out of the chair, on the floor, senseless, and then outraged her person; then he got up and stood there a few moments, and she became conscious, and got up and went out at the west door, when he went out at the front door and went around and met her at the north end of the house, and struck her another blow with the ax and knocked her down, and then with the blade of the ax struck her on the neck, entirely severing the bone. He outraged her twice after this, then threw the ax over the fence, and went to his room and to bed.

After this confession the committee decided that inasmuch as there was no jail in the county, and no probability of the matter being heard by a court soon, and there being no doubt as to his guilt, and the country being in a state of war, that Warren should be taken out and hanged by the neck till dead. He was kept under guard until 1 o'clock p. m. on the following day, when he was taken to the scaffolding at the jail, then in process of construction, and publicly executed by hanging, in the presence of the largest number of persons that had ever assembled in Garnett. It was the work of a mob, but the state of the country, the enormity of the crime, and there being no doubt as to the guilt, were such that the execution was justified by the entire people.

This county has been as free from scenes of mob violence as any county of its age; but this outrage was more than the people could bear, when in the midst of a struggle that threatened the liberty of a nation, and an invading army of rebels, under General Price, sixty thousand strong, within a few miles of our border, which soon after we had to meet on the bloody field of carnage within twenty-five miles of the spot where this crime was committed. Had the country been at peace, our citizens would not have consented to the hanging; and it can only be justified on the ground that three-fourths of all the able-bodied men were absent in the service of their country, and their wives, mothers and daughters were at home, almost without protection, and at the

same time many characters of Warren's kind were roaming about the country. It was a time when we could not fight the enemy and protect our families from such assassins, and guard our mothers, wives and daughters against their fiendish outrages. We recognize the fact that mob violence is terrible at any time: but this was its sternest phase, and a part of the history of our county, and we cannot now avoid giving it.

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## CHAPTER XI.

*First Tax Levy—Valuation on First Assessment—Appointment of County Superintendent of Public Instruction—Location of Territorial Roads—Election of Delegates to the Wyandotte Constitutional Convention—Adoption of the Constitution—Organization of Political Parties—Election of State and County Officers—Drouth of 1860, etc.*

AT a meeting of the board of supervisors on the 25th day of September, 1858, the following order was made and entered on the journal:

“By order of the board, the clerk of the county board

of supervisors of Anderson county is hereby authorized to correct any mistakes that may be discovered by said clerk in the proceedings of said board, and also to do all duties required of him by law, between this and the next meeting of said board."

At this meeting the first tax levy for county purposes was made: Six mills on the dollar on all the taxable property, as shown by the tax roll of 1858, for county purposes; two and one-half mills for school purposes; and one and one-half mills for road purposes. The aggregate valuation of taxable property in the county in 1858 was as follows: Monroe township, \$69,568.50; Walker township, \$36,888.00; Reeder township, \$26,355.00; Jackson township, \$24,737.00; Washington township, \$20,610.00; total, \$178,158.50.

This was the first assessment made in the county, that is of record. There had been assessments made prior to this, but were not recorded.

On the 16th of November, 1858, the board of county supervisors recommended John R. Slentz to the Governor as a suitable person to fill the office of county superintendent of public instruction, and requested his appointment. On the 20th day of November, 1858, the Governor commissioned him as superintendent of public instruction for Anderson county. He qualified, and was the first county superintendent. He was a minister of the gospel, and a christian gentleman, and made an efficient superintendent.

At the November session of the board of super-



visors petitions were presented for the location of five Territorial roads. One petition, signed by W. F. M. Army and twenty-five others, for a road from a point on the Missouri line, east of Moneka, Kansas; thence west through the counties of Linn, Anderson, Coffey, Madison, Breckenridge and Wise, on mail route No. 15007. The board appointed James R. Eaton as commissioner to meet with commissioners of other counties at Moneka on the third Monday in January, 1859, to locate the road. A petition signed by W. F. M. Army and twenty-five others, for the location of a road from Lawrence to Humboldt, through Prairie City, Ohio City, Fairview and Hyatt, on mail route No. 15034. The board appointed Leander Putnam to meet with commissioners of other counties on the third Monday in January, 1859, to locate said road. A petition of W. F. M. Army and twenty-five others, asking for a road from Osawatomie, Lykins county, to Neosho City, through Anderson and Coffey counties, on mail route No. 15023. The board appointed Darius Frankenberger as commissioner to meet with commissioners of other counties, on the third Monday of January, 1859, at Osawatomie, to locate the road. A petition signed by W. F. M. Army and twenty-five others, for a road from the Sac and Fox Agency to Cresco, to intersect the road from Jefferson City to Council Grove, on mail route No. 15007, and the road from Osawatomie to Neosho City, on mail route No. 15023. The board appointed as commis-

sioner A. Wycoll, to meet with commissioners of other counties at Sac and Fox Agency, on the third Monday in January, 1859, to locate the road. And a petition of W. F. M. Army and twenty-five others, for a road from the Osawatomie road, at Hyatt, to Le Roy. The board appointed Charles Hidden as commissioner to meet with commissioners from other counties at Hyatt, on the third Monday of January, 1859, to locate the road asked for. The board, after appointing the commissioners, made the following order:

"In reference to the above petitions, it is ordered that where roads have already been located on any of the above specified routes that the commissioners be directed to adopt them."

All these roads were asked for by Army in the interest of the town of Hyatt, with a view of taking all the principal roads through Hyatt and around Garnett, as these towns were rivals for the county seat. The old maps of the Territory show all these roads as centering at Hyatt, and not one as passing through Garnett or Shannon.

Army was an active worker, and up to that time had succeeded in getting three mail routes through Hyatt, while Garnett had not even a postoffice. Army managed to get the line of travel from Osawatomie to Hyatt along the meanderings of South Pottawatomie, passing Garnett about two miles on the south, and the travel from Lawrence to Cofachique and Humboldt, by Fairview, crossing the

Pottowatomie at Adington's crossing, near the residence now of Wm. Rebstock, passing on the west side of Cedar and crossing that stream west of Hyatt.

On the fourth Monday in March, 1859, an election was held in each township for the election of township officers, at which election a new board of supervisors was elected, and J. F. Wadsworth, John L. Adington, C. W. Fraker, James R. Eaton and John B. Dildy were elected chairmen of the township boards, and constituted the supervisors of the county. On the 10th day of May, 1859, they organized by electing J. F. Wadsworth chairman; and on the same day Ozark township was organized, and G. W. Sands was elected chairman of the township board of supervisors, and consequently became one of the county board of supervisors.

On the fourth Monday in March, 1859, an election was held at the voting precincts in the Territory on the proposition of forming a constitution and State government for the State of Kansas. Of the one hundred and eighty-five votes cast in the county only seven were against the proposition.

On the first Tuesday of June, 1859, an election was held for the election of a delegate to a convention to frame a State constitution. W. F. M. Army and J. G. Blunt were the candidates. Blunt received 98 votes, and Army received 93 votes, and Blunt was declared duly elected.

On the first Tuesday of July, 1859, the delegates

elected assembled at Wyandotte to frame the constitution, afterwards known as the Wyandotte constitution.

On the fourth day of October, 1859, an election was held for the ratification or rejection of this constitution. Of the three hundred and forty-six votes cast in the county at this election two hundred and sixty were in favor of the adoption, and eighty-six against: and there were two hundred and six votes in favor of the homestead exemption clause in the constitution, and one hundred and nine against.

The struggle between the friends of freedom and the friends of slavery from 1855 to 1858 was conducted with an utter disregard of the constitution of the United States and the Nebraska and Kansas bill, on the part of the Pro-Slavery men, including the national administration. The friends of freedom, by uniting their efforts with all classes of persons opposed to slavery, had now a complete victory over their opposers in the Territory: and it had now become necessary to organize the political parties, preparatory to the national election that would take place in 1860—the great struggle that was to determine the “irrepressible conflict” between freedom and slavery.

On the 22d of August, 1859, a Republican mass convention was held at Garnett, at which convention the Republican party of the county was organized, by the election of S. S. Tipton as temporary chairman, and B. F. Ridgeway, secretary. James

G. Blunt was elected permanent president, and C. J. Farley, secretary. This convention passed resolutions indorsing the Osawatomie platform of May 18, 1859, and nominated candidates for county officers and members to the Territorial Legislature, as follows: For representative to the Legislature, Dr. Thomas Lindsay: superintendent of public instruction, Rufus Gilpatrick: probate judge, J. Y. Campbell; register of deeds, C. J. Farley; county attorney, W. A. Johnson; sheriff, G. A. Cook; county clerk, A. Simons; county treasurer, H. Cavender; coroner, Stephen Marsh; surveyor, B. F. Ridgeway. A central committee of nine was appointed, as follows: Wm. Spriggs, D. W. Houston, J. G. Blunt, W. A. Johnson, W. F. M. Arny, J. B. Lowry, S. S. Tipton, Henry Williams and J. B. Stitt.

On the — day of August, 1859, a Democratic mass convention was held in Garnett. This convention passed resolutions indorsing the national Democratic platform, and nominated candidates for county officers and members to the Territorial Legislature: For representative to the Legislature, Samuel Anderson: no nomination for superintendent of public instruction, but resolved to support Rev. J. R. Slentz: probate judge, J. R. Shields; register of deeds, M. Puett; county attorney, B. D. Benedict; county clerk, M. G. Carr; sheriff, L. A. Jones; treasurer, W. Smith; surveyor, G. W. Cooper; coroner, J. R. Means.

It was not known which of the parties had the greater strength in the county. Both parties entered the campaign sanguine of success in the election.

The election was held on the 8th day of November, and resulted in the success of the entire Republican ticket.

On the first Tuesday of December, 1859, an election was held for State officers, members of the Legislature, judges and other officers, under the Wyandotte constitution. There were two hundred and forty-nine votes cast in the county at this election, and the following persons were elected: Solon O. Thacher, judge of the district court of the Fourth judicial district; William Spriggs and P. P. Elder, senators of the Tenth senatorial district, composed of the counties of Franklin, Anderson and Allen; W. W. H. Lawrence, Jacob A. Marcells, W. F. M. Army, S. J. Crawford, B. L. G. Stone and N. B. Blanton, representatives from the district composed of Franklin, Anderson and Allen counties; Rufus Gilpatrick, superintendent of public instruction; James Y. Campbell, probate judge; Alanson Simons, clerk of the district court.

S. O. Thacher was the first judge of the Fourth judicial district. His rulings were clear, and generally satisfactory. He was judge until 1864, when he resigned and Hon. David P. Lowe was appointed to fill the vacancy.

B. L. G. Stone, one of the persons elected to the House from this district, removed from the Terri-



tory in the summer of 1860, and Dr. John W. Scott was elected to fill the vacancy.

The year of 1859 was a remarkably prosperous one. The immigration was heavier that year than it had ever been before, the population being almost as large in the county in the fall of that year as it has ever been since. There were heavy rains during the spring, so that travel was often impeded for several days at a time. On the first of June the rain had been so heavy that the North Pottowatomie overflowed its banks and bottoms, so that the settlers in many places had to remove to the hills for safety: some places the overflow being so sudden they had to climb upon the tops of their cabins and remain until the waters subsided. The rainy season closed about the last of July, and a dry fall followed it. There was no rain or snow during the winter following.

The next spring was dry, and then came the terrible drouth of 1860. We had no rain of any consequence until the following October. This was the most oppressive and discouraging year in the history of Kansas. In July strong winds blew from the southwest, dry, and of scorching heat, so that vegetation dried up before their breath: the earth became so dry and hot that the surface cracked open in many places for rods, so that the feet of horses or cattle would go to the depth of several inches into the cracked earth. For several months the Pottowatomie and other streams did not flow. About the

first of June of that year a regular panic seized the people, and more than half of the population of the county left the Territory—nearly all that could get away did so, many of them to return no more.

The census was taken in 1860, by L. A. Jones, which shows 466 families residing in the county, with an aggregate population of 2,398, or an average of about five persons to the family. Jones reported great suffering and distress on account of the drouth; that one family of ten children subsisted for two weeks on wild plums and the milk from one cow, having nothing else to eat.

The Legislature in 1860 passed an act abolishing the board of supervisors, and providing for a board of county commissioners, and for dividing the county into three districts, one commissioner, who should reside therein, to be elected by the voters of the county. On the 12th of March, 1860, the board of supervisors divided the county into commissioners' districts; and on the fourth Monday in March an election was held for county commissioners and county assessor; and Richard Robinson, Preston Bowen and Mathew Porter were elected commissioners, and John T. Lanter, county assessor. The commissioners met on the 2d day of April, and organized by electing Preston Bowen chairman. This board did its duty faithfully and efficiently.

November 6, 1860, an election was held for members to the Territorial Legislature, county commissioners, superintendent of public instruction and

county assessor. Rufus Gilpatrick was chosen representative; Richard Robinson, T. G. Headley and Mathew Porter, commissioners; Samuel Anderson, superintendent of public instruction; and Solomon Kauffman, county assessor. Kauffman received 192 votes and John T. Hall received 172 votes; and Hall claimed the election, because of 42 votes cast at Hyatt precinct for Samuel Hall, and contested the election before the probate court, which decided that John T. Hall was duly elected, and granted him a certificate of election to the office.

The act of Congress admitting Kansas into the Union became a law on the 31st day of January, 1861, and the judges and county officers elected in 1859, under the Wyandotte constitution, entered upon the duties of their respective offices. For the first time, then, in the history of Kansas, was the judiciary selected by the people.

The Territorial Legislature that was in session at the date of the admission of the State, adjourned on the 2d day of February, 1861, and the Legislature elected under the constitution convened at Topeka on the 26th of March, 1861.

On the 4th of June, 1861, an act was passed providing for a district attorney in each judicial district. S. A. Riggs was elected attorney for the Fourth judicial district, in June, 1861.

William Spriggs was the first State senator from the county. W. F. M. Army and S. J. Crawford

were the first representatives from the county to the State Legislature.

Hon. S. J. Crawford returned from the Legislature on May 10, and proceeded to enlist a company of volunteers for the Second Kansas regiment. He raised a company of ninety men in one day, and within three days thereafter his company was on the march to the front. Crawford was selected as captain of the company, and after five months' service it was mustered out and reorganized. The company did good service, and was in several engagements. The principal one was the battle of Wilson's Creek, on the 10th of August, 1861, where several of its members were killed and wounded. It was the first company that went from Anderson county to take part in the great struggle for the Union.

Hon. W. F. M. Army returned at the close of the session of the Legislature, having gained some notoriety while there. Sol. Miller, in publishing a sketch of the Legislature in the "White Cloud Chief," says:

"Mr. Army is one of the representatives from the Anderson district. He was born on the peak of Tenneriffe, in a very dry season, and the soothsayers who were present upon the melancholy occasion predicted that wherever he went drouth would follow. Such has been his experience in Kansas. His name originally was 'Nary,' and it is supposed to have signified that 'nary' thing would grow where he cast his lot. Thus Kansas has recently experienced the calamity of 'nary' corn, 'nary' bean, 'nary'

wheat, 'nary' grass seed, 'nary' clothing for volunteers, etc. By some means the letters composing his name have become transposed, and he is now called 'Army.' His parents found great difficulty in deciding upon a name for him; they had so many from which to choose, and there were so many letters in the alphabet that looked well in a name. They finally hit upon a plan to settle the question: the old man resolved to fashion all the letters of the alphabet of potter's clay, then to throw them against the side of the house, and as many as stuck to the wall, those letters should form the initials of his name; but those that fell off should be discarded. He carried out his design, it was a good day for the business, and nearly all of the letters stuck."

Army having gained such notoriety while in the Legislature, soon received an appointment under Lincoln's administration, as an Indian agent in New Mexico. He left Kansas in the summer of 1861 for his field of labor, where he has since remained, having been appointed Secretary of New Mexico. He has received the title of Governor, having acted as Governor in the absence of the Governor for many years.

## CHAPTER XII.

*Severity of the Winters of 1855-6 and 1856-7. and Mildness of those of 1857-8 and 1858-9—Prairie Fires—Sac and Fox Indians.*

THE winters of 1855-6 and 1856-7 were seasons of almost unparalleled severity, which caused many to suppose that it was a characteristic of this country: which, however, was a mistaken idea, as shown by the winters of 1857-8 and 1858-9, which were mild and pleasant. The "Leavenworth Journal" of January 15, 1858, says:

"Passing through the country a few days since, we were pleased to see the roads filled with summer birds, whose gay plumage and sweet notes indicated anything but winter."

No country could exceed the beauty and mildness of the winters of 1858 and 1859: the brilliancy by day, bright moonlight nights, and prairie fires had the appearance of September in Illinois or Wisconsin. The streams were not frozen over during either of the latter winters, nor was the ground covered with snow. Reference is made to these four winters, to show the great difference of seasons in this climate. Since that time the seasons have been more uniform, none being so extreme as those referred to.

In the early days of Kansas there were some ter-



rible prairie fires, caused by burning the heavy coats of dry grass, and high winds, carrying the fire with great rapidity, often blowing the fire across any stream in its way. When the wind was blowing heavily the rapidity was frightful, outstripping the fleetest horse, doing great damage. Yet the appearance of these fires on a calm night was most gorgeous, as they lighted up the country for miles around. No grander and more beautiful scene could be presented. A painter that could transfer to canvas the enchanting panorama of a prairie on fire would be entitled to have his name registered in the roll of fame for above our most gifted mortals.

When the white settlers came to this county the Sac and Fox tribes of Indians were located on a reservation in Franklin and Osage counties, where they remained for about ten or twelve years. Roving bands of these Indians often wandered into different parts of this county, hunting and fishing; and some times two to three hundred of them, with their squaws and ponies, would winter in this county, along the streams, and often became very annoying in setting fire to prairies to drive game out, and in that way often burning the fences and crops of the settlers. And at times they would engage in stealing and driving away the stock of the settlers, and keep it hidden until a reward was offered for its return. They would go begging from house to house, and if one was fed by the settler the whole party must be fed or there would be trouble. These

Indians obtained whisky when they could find it.

Rezin Porter, on North Pottowatomic, kept whisky to sell in 1857 and 1858, and the Indians, in passing through, made it a point to camp near his house. In the fall of 1857 a party of them went into camp near Porter's, went to his house and demanded whisky, which Mrs. Porter, in the absence of her husband, refused. So they attempted to break into the house, and, failing at the door, which she had fastened, one attempted to enter through a window, when she filled his face and bosom with a shovel full of live coals from the fire place, which caused him to retreat, yelling, with his shirt on fire, and the others followed him.

In the winter of 1860 these Indians gave a "war dance" in Garnett, which was novel to our people, who came in large numbers from the country to witness it. It took place at the crossing of Pine street and Sixth avenue. Four of the braves had each nail kegs, covered with opossum skins. Seated on the ground, with sticks they commenced beating their nail kegs, and sung their songs, which furnished the music for the occasion. The squaws seated themselves in a circle, and the braves entered the circle and proceeded to perform the most amusing evolutions, interspersed by short speeches in their dialect, and, with sticks, bludgeons and tomahawks, they showed how they killed and scalped their victims, and drank their blood. It was a fair illustration of

their savage cruelty. They also danced the "green corn" dance, and the "snake" dance.

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### CHAPTER XIII.

*Bright Prospects in 1858-9—Organization of Railroad Company—Gloomy Forebodings of 1860—Relief Committees—Organization of Volunteer Companies—Hardships Endured by the Women of the County—Organization of New Party, Called "Farmers' and Mechanics' Union Association"—Election of 1861.*

IN the din of politics, mind struggling with mind, one to establish on Kansas soil the best institutions known to the civilized world, and the other endeavoring to establish and perpetuate a curse the most oppressive known to man, we had given but little attention to the industrial resources of the country until the spring of 1858, when there was a lull in the storm, and hope inspired in the minds of watching millions. Then immigration in great numbers from the free States set in. The Pro-Slavery men of the slave States gave up their cherished idea of estab-

lishing slavery in Kansas, and became so disgusted with their ill-success that they did not spend any more money or blood for the cause of the South. The result of the election for county officers and members to the Legislature, and the vote on the Lecompton constitution, satisfied them that the friends of freedom could not be thwarted in their designs by force or fraud. The result was a healthy immigration and great increase in the population of the country. The filling up of Kansas with the champions of freedom was the most glorious achievement which the historian of the country is able to record; a new exhibition of popular power, and a guaranty to free institutions; it was the power of freedom crushing the wicked institution of slavery. It was the first throe in that great struggle that made every American citizen a freeman.

After the elections of 1857 and 1858 the Free State Legislature convened, and passed some wholesome laws, and repealed the laws of 1855, known as the "bogus laws." Business began to prosper; the settlers commenced improving their claims and the country presented a livelier appearance; all doubts as to success were removed, and a new era for Kansas set in.

About this time two railroad enterprises were organized: The Leavenworth, Lawrence & Fort Gibson railroad company, now Leavenworth, Lawrence & Galveston railroad company; and the Jefferson City & Neosho Valley railroad company. The

former was organized on the 8th day of December, 1857. John B. Chapman was elected president: J. C. Green, Adam Fisher, F. P. Witcher, M. H. Hann, James Darrah, Hudson Burris and H. C. Justice, directors; H. Allen, secretary: L. L. Todd, treasurer, and John C. McCarty, chief engineer. The charter of the company was granted on the 12th of February, 1858, with John B. Chapman, Hudson Burris, H. C. Justice, F. P. Witcher, Milton H. Hann, Henry J. Adams, G. A. Reynolds, E. D. Ladd, John Speer, L. F. Hollingsworth, S. B. Prentiss, G. W. Deitzler, H. G. Blake, Robert B. Mitchell, John Mathias, Darius Rogers, J. M. Black, R. B. Jourdan and W. Douran as charter members, with a capital stock of two million dollars. The charter authorized the company to locate its road from the city of Leavenworth, on the Missouri river, on the most convenient route, via Lawrence, Minneola, Osage City, and down the Neosho river, through the Osage nation, to Fort Gibson, on the Arkansas river. In the summer of 1858 the company made a preliminary survey to the fourth standard parallel, one mile south of Garnett; in 1859 it made a preliminary survey for its road to Osage City, ten miles south of Humboldt. John B. Chapman was re-elected president, for several terms. In 1863 this road received a land grant from Congress for every alternate section, designated by odd numbers, for ten sections on each side of the road; but where any of the land had been sold prior to the

fixing of the line of the road, then in lieu of the amount so sold the company was to receive from the public lands of the United States an equal amount from the nearest tiers of sections, in alternate sections, provided such lands should not be located more than twenty miles from the road. The lands so granted were to be devoted exclusively to the construction of the road. And in 1866 the Legislature appropriated one hundred and twenty-five thousand acres of the five hundred thousand acres given the State under the law of Congress of 1841, for internal improvements, to aid in the construction of this road. The counties along the line of the road voted municipal bonds to aid in its construction, as follows: Douglas county, \$300,000; Franklin county, \$200,000; Anderson county, \$200,000; Allen county, \$150,000; Montgomery county, \$200,000.

The work of construction on this road commenced in 1867, and the road was built and in operation to Ottawa the following winter, and completed to Garnett in March, 1870, and to Coffeyville in 1871. It is a first-class road, furnished with excellent engines and rolling stock. For the first five years the road paid but little more than running expenses; but the business of the country has so improved that the road is now doing a good and paying business.

A railroad convention was held at Hyatt on the 27th day of July, 1858, to take preliminary measures to organize a railroad company, to be styled



the Jefferson City & Neosho Valley railroad company; and it was organized at Hyatt on the — day of October, 1858, with A. Wattles, J. O. Wattles, G. W. Deitzler, W. F. M. Army, G. W. Brown, W. H. Ela, B. F. Allen, R. Gilpatrick, J. L. Coy, P. B. Plumb and John T. Cox as directors. The board of directors elected W. F. M. Army president. The company went to work in October, soon after the organization, to make a preliminary survey from the State line to the Neosho river, and had the plat and profile all made. The company spent much time and money in trying to get land grants to aid in the construction of the road, but failure to secure the same proved fatal to the enterprise.

During the first five years of the early settlement of the Territory it required the greater portion of the time of the settlers to defend the border against the frequent raids made by Pro-Slavery men from the slave States, consequently but little improvements had been made; so when the drouth of 1860 came it was like a blight, the people being without money, and depending on the productions of the soil for sustenance. They had no surplus of grain or other necessities of life to tide them over the season. As soon as it was ascertained that the crops were a failure, steps were taken to secure aid from the States to supply the necessities of the people. Committees for this purpose were appointed in almost every county in the Territory, and the citizens of our sister States responded nobly to the cry for

assistance, by donations of such articles as would keep the people from starvation. But although a large amount of provisions was sent to the Territory, but little was received in Anderson county. The struggles and drouth of 1860 reduced the population to about one thousand in Anderson county : and those who remained were reduced almost to a state of pauperism.

At the outbreak of the rebellion our people were in this destitute condition : our men were accustomed to the hardships of a soldier's life, but to go to the defense of the country and leave their families in such circumstances was distressing : but when the call came for volunteers they responded nobly : a whole company volunteered in one day, and was on the march to the front in three days thereafter. Anderson county was represented in almost every regiment of Kansas troops : about three-fourths of her able-bodied men entered the army for the cause of the Union.

The year 1861 was a fruitful one for Kansas. Fine crops were raised, and in many instances the crops were planted, cultivated and harvested by our brave and patriotic women, while their husbands and fathers were fighting the battles of their country. Most nobly did our women till the soil and support their families, and gave up their husbands to the service of the country, many of them to fill bloody graves in Southern climes. The names of the he-

roic dead who fell in the defense of the country will be given in another portion of this book.

In October, 1861, a new political organization was made in Anderson county, known as the "Farmers' and Mechanics' Union Association," headed by J. Y. Campbell, Samuel Anderson, J. B. Lowry, W. H. McClure, W. G. Nichols and some others. The object of this organization was set forth in their platform.

This party was clamorous for reform. Their convention assembled on the 17th day of October and made the following nominations: For State senator, Alexander Stewart (then of Iola, now of Le-Roy); for representatives, J. B. Lowry and W. H. McClure; for probate judge, Samuel Anderson; for treasurer, J. Y. Campbell; for sheriff, John Anderson; for register of deeds, M. Puett; for county clerk, N. A. Porter; for clerk of district court, N. A. Porter.

The Republicans held their convention on the 10th of the same month, and nominated for representatives, John T. Lanter and Mathew Porter; probate judge, B. F. Ridgeway; treasurer, H. Caven-der; sheriff, Zach. Norris; register of deeds, Wesley Spindler; county clerk, A. McArthur; and clerk of the district court, A. Simons.

The canvass was conducted on the part of the new organization by J. Y. Campbell and Alex. Stewart; on the part of the Republicans the canvass was made by G. W. Iler, B. F. Ridgeway and W.

A. Johnson. The campaign was one of the most bitter ever had in the county. The Republicans elected their senator, J. G. Reese, treasurer, county clerk and clerk of the district court. The opposition elected two representatives, probate judge, sheriff and register of deeds.

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## CHAPTER XIV.

*Successive State Senators—Members of the House of Representatives—Judges of the District Court—County Officers.*

### SENATORS.

1861, William Spriggs : 1865, D. W. Houston : 1869, E. S. Nicolls : 1873, W. A. Johnson.

### MEMBERS OF THE HOUSE OF REPRESENTATIVES.

Under Territorial government—1859, William Spriggs : 1860, Thomas Lindsay : 1861, Rufus Gilpatrick.

Under State government—1861, S. J. Crawford and W. F. M. Army : 1862, J. B. Lowry and W. H. McClure.

In 1862 the Legislature made a reapportionment, into representative and senatorial districts, dividing Anderson county into two representative districts, numbers Fifty-six and Fifty-seven. The townships

of Walker and Monroe constituted the Fifty-sixth, and the remainder of the county the Fifty-seventh representative district.

1863, Isaac Hiner, Fifty-sixth; Jackson Means, Fifty-seventh; 1864, Henderson Cavender, Fifty-sixth; B. M. Lingo, Fifty-seventh; 1865, Henderson Cavender, Fifty-sixth; A. G. West, Fifty-seventh; 1866, Henderson Cavender, Fifty-sixth; J. W. Stewart, Fifty-seventh; 1867, Thomas Lindsay, Fifty-sixth; Wm. N. Hanby, Fifty-seventh; 1868, Thomas G. Headley, Fifty-sixth; Wm. N. Hanby, Fifty-seventh; 1869, John Buterbaugh, Fifty-sixth; Charles Gregg, Fifty-seventh; 1870, John G. Lindsay, Fifty-sixth; J. H. Whitford, Fifty-seventh; 1871, John G. Lindsay, Fifty-sixth; Thomas Thompson, Fifty-seventh.

The Legislature of 1871 made a new apportionment of the State into representative districts, by which Anderson county only formed one district, and had but one representative.

1872, J. H. Whitford; 1873, John T. Lanter; 1874, James E. White; 1875, H. C. Reppert; 1876, L. K. Kirk.

#### JUDGES OF THE DISTRICT COURT.

The Legislature in 1855 divided the Territory into judicial districts, placing Anderson county in the Second district, and in 1856 Sterling G. Cato was judge.

In 1858 the Legislature redistricted the Territory, and Anderson county was made part of the Third district, and Joseph Williams was the judge.

Under the Wyandotte constitution Anderson county was made part of the Fourth district.

1861, S. O. Thacher; 1864, Thacher resigned, and D. P. Lowe was appointed to fill the vacancy; 1865, D. M. Valentine.

The Legislature in 1867 created the Seventh judicial district, and made Anderson county a part of it.

1867, William Spriggs: 1868, John R. Goodin.

In 1869 this county was again changed back to the Fourth district.

1869, O. A. Bassett: 1872, O. A. Bassett.

#### CLERKS OF THE DISTRICT COURT.

1858, A. Simons: 1860, A. Simons: 1861, A. Simons: 1863, Charles Hidden: 1865, C. E. Dewey: 1867, G. M. Everline: 1869, Solomon Kauffman: 1871, G. M. Everline: 1873, J. A. Bell: 1875, J. A. Bell.

#### COUNTY COMMISSIONERS.

1856, Francis Myer and J. S. Waitman: 1857, Darius Frankenberger and John McDaniel.

The Legislature in 1858 changed the county board to a board of supervisors, of one member from each township.

Supervisors—1858, J. E. White, chairman: Solomon Kauffman, Rezin Porter, John McDaniel and Alexander McArthur: 1859, J. F. Wadsworth, chairman: C. W. Fraker, John L. Adington, J. R. Eaton, J. B. Dilday and G. W. Sands.

The Legislature in 1860 changed the board from a board of supervisors to a board of county commissioners, consisting of three members.

1860, Preston Bowen, chairman: Richard Robinson and Mathew Porter: 1861, Mathew Porter, chairman: Richard Robinson and T. G. Headley: 1862, T. G. Headley, chairman: John Moler and A. Cassel: 1863, T. G. Headley, chairman: D. L. Duff and Anderson Cassel: 1864, Dr. William Smith, chairman: H. R. Hall and George Holt:



Hall resigned, and S. W. Arrant appointed to fill vacancy : 1866, William Smith, chairman : Mathew Porter and Richard Robinson : 1868, H. Cavender, chairman : J. B. Lowry and Reuben Lowry : 1870, G. W. Her, chairman : J. B. Lowry and J. W. Vaughn : J. B. Lowry died in 1871, and C. H. Lowry appointed to fill vacancy : 1872, John Macklin, chairman : H. Cavender and B. M. Lingo : 1874, C. H. Lowry, chairman : G. W. Smith and H. Cavender : G. W. Smith resigned and M. E. Osborn was appointed to fill vacancy : November, 1875, M. J. Turrell elected to fill unexpired term of Smith : H. Cavender resigned, and W. S. Vreeland was appointed to fill vacancy : 1876, C. H. Lowry, chairman : W. S. Vreeland and M. J. Turrell.

## COUNTY CLERKS.

1856, Thomas Totton, appointed : 1857, A. Simons : resigned, and C. T. Williams appointed : 1858, B. L. Adington : 1860, A. Simons : 1862, A. McArthur : 1864, J. F. Walker : 1866, J. H. Williams : 1868, J. H. Williams : 1870, E. A. Edwards : 1872, E. A. Edwards : 1874, E. A. Edwards : 1876, J. W. Goltra.

## PROBATE JUDGES.

1855, George Wilson, elected by Legislature : 1858, Samuel Anderson, from January 1 to June 1, and was succeeded by J. Y. Campbell, who served until the 7th day of October, 1861, when he was ousted from the office by proceedings had before S. O. Thacher, judge, on application of Chas. Hidden, who served until January, 1862 : 1862, Samuel Anderson : 1863, Samuel Anderson : 1865, J. Y. Campbell : 1871, M. A. Page : 1875, J. M. Craig.

## COUNTY TREASURERS.

1856, C. H. Price, appointed : 1858, Isaac Hiner : 1859, W. L. Webster : 1860, Henderson Cavender : 1862, Henderson Cavender : 1864, T. G. Headley : 1866, T. G. Headley : 1868, A. G. West, appointed to fill short term from January 1 to July 1 : 1868, A. Simons : 1870, A. Simons : 1872, E. S. Hunt : 1874, E. S. Hunt.

## REGISTERS OF DEEDS.

1857, A. Simons, appointed; 1858, Madison Puett; 1860, C. J. Farley, who died in 1861, and M. Puett elected to fill vacancy; 1864, J. F. Walker; 1866, J. H. Williams; 1868, J. H. Williams; 1870, Samuel Crum; 1872, Samuel Crum; 1874, W. H. Mellen; 1876, W. I. Sutton.

## SHERIFFS.

1856, David McCammon; 1857, Thos. Hill; resigned, and G. A. Cook, appointed; 1858, G. A. Cook; 1860, G. A. Cook; 1862, John Anderson, who resigned in 1865, and A. Simons appointed; 1866, Elias Norris; 1868, Elias Norris; 1870, G. A. Cook; 1872, Edward Rayn; 1874, Edward Rayn; 1876, J. H. Shields.

## COUNTY ATTORNEYS.

1858, J. B. Stitt; 1860, W. A. Johnson.

The Legislature in 1861 abolished the office of county attorney, and provided for a district attorney for each judicial district, and in June, 1861, S. A. Riggs was elected attorney for this district. In 1864 the Legislature abolished the office of district attorney, and provided for county attorneys.

1864, M. A. Page; 1865, W. A. Johnson was elected, but refused to qualify, and M. A. Page appointed; 1866, M. A. Page; 1867, John G. Lindsay; 1871, John S. Wilson; 1873, John J. Hoffman; 1875, Abram Bergen.

## COUNTY SURVEYORS.

1857, B. F. Ridgeway, appointed; 1858, B. F. Ridgeway; 1862, Jackson Means; 1864, Hugh Smith; 1866, James N. Smith; 1870, R. W. Gailey, 1872, R. W. Gailey; 1874, R. W. Gailey; 1876, R. W. Gailey.

## SUPERINTENDENTS OF PUBLIC INSTRUCTION.

1858, J. R. Slentz, appointed; 1861, Rufus Gilpatrick; 1863, C. B. Smith; 1865, C. T. Chapin; 1867, C. T. Chapin;

1869, W. A. Walker, who died in 1869, and P. W. Bahl was appointed; 1871, Thomas Bowles; 1873, Amos Rice; 1875, L. H. Osborn.

## COUNTY ASSESSORS.

In 1857 William Puett was appointed by the board of county commissioners. In the winter of 1858 the Legislature made a change in the law, by which the office of county assessor was abolished, and in 1860 the Legislature again provided for the office of county assessor. John T. Lanter was elected in March, 1860. John T. Hall was elected in November, 1860, and resigned in May, 1861. July 8, 1861, B. P. Brown was appointed to fill the vacancy caused by the resignation of John T. Hall.

1861, John Horn; 1863, George W. Arrell; 1864, A. W. Phillips; 1865, George W. Arrell; 1866, W. B. Edwards; 1867, C. B. Smith.

In 1868 the Legislature, by a change in the tax laws, abolished the office of county assessor and provided that the assessments should be made by the township trustees.

## CHAPTER XV.

*Accidents and Misfortunes—Shooting of Tipsword—Drowning of Lester Dart—Christian Fenerborn Killed by Indians—Josiah Kellerman, his Wife and two Children Burned to Death in a Prairie Fire—James A. Town and Son Drowned in Pottowatomic Creek—Levi L. Hayden Frozen to Death, etc.*

A SAD affair occurred on the North Pottowatomic, north of Garnett, on the 10th day of May, 1858. Two neighbors, William Lambert and W. A. Tipsword, were hunting turkeys in the timber on the creek in the early morning, neither knowing that the other was near him, each calling turkeys and crawling through the brush, expecting to see his game, when in an instant Lambert, through the underbrush, discovered a dark object near the creek bank, and, supposing it to be a turkey, at once drew up his gun and fired. He heard the noise of the object, and supposed it to be the fall of the turkey. He reloaded his rifle and proceeded to the spot for his game, but the lifeless form of Tipsword, lying on his face, met his bewildered view. The ball had penetrated his body in a vital part, causing instant death. They were both quiet, hard-working men, near neighbors

and good friends. The affair cast a gloom of melancholy upon Lambert, from which he never recovered. He left Anderson county in a few years thereafter, for Colorado, but has since returned to Kansas, and now resides in Atchison county. He originally settled on the farm now owned by Henry Gardner.

In August, 1858, a man by the name of Lester Dart, living on the north side of Pottowatomie, while going to Greeley to attend the election on the Le-compton constitution, as submitted under the English bill, attempted to cross the Pottowatomie, and was drowned. Dart left a wife and one child to mourn his sad and premature demise.

In 1860 a man by the name of George Enoch, living on the north branch of Sugar creek, came to Garnett in company with his wife and child. They came in a wagon, drawn by a pair of oxen. In the evening, when he was on his way home, near the Simons crossing of the Pottowatomie, the oxen became ungovernable, run over a bank, and threw him out of the wagon, breaking his neck, producing instant death. His wife and child escaped with but little injury.

Christian Feuerborn, one of the early settlers of the North Pottowatomie, as hereinbefore mentioned, left the Territory in 1858. He took his wife and children back to Illinois and left them, while he went to Nevada Territory in search of a golden fortune, expecting, when he had accumulated the ex-

pected fortune, to return with his family to Kansas and make his future home on the valuable tract of land that he left on the Pottowatomie, there to enjoy the accumulations of his labors, and enjoy the society and pleasures of his interesting family; but in the spring of 1862, after he had secured a large amount of property and money in his Eldorado abode, a party of Indians made a raid on his house and he was massacred by them in a most cruel and barbarous manner. His family was never able to recover any of his Nevada property. His widow afterwards married Julius Fisher, an industrious German, and returned with her husband and children to Kansas, and now resides on the same tract of land selected by her former husband in 1856.

In 1857 a man by the name of Josiah Kellerman settled on Pottowatomie creek, in the western portion of the county. He was a farmer by occupation, and an industrious man. He resided there until the fall of 1862, and had in the meantime improved a good farm. His family at that time consisted of himself, a wife and five children. In October he started to move with his family and effects to Douglas county, Kansas. He loaded his household goods into a two-horse wagon, in which his wife and two youngest children were to ride, while Kellerman and the three older children were to drive the loose stock. The weather was dry, and the wind was blowing a furious gale. They started about 8 o'clock in the morning, and traveled about



six miles, when they discovered a prairie fire coming from the southwest. When first discovered it was some distance away, and several streams intervened between them and the fire. The wind blew with such violence that it drove the fire across the streams that were in its course, without checking its progress the least. When Kellerman discovered that the fire was going to overtake them, he and the children at once drove the stock on to a strip of plowed ground near by, and called to his wife to drive the wagon on. She turned off the road to drive on the plowed ground, but had not gone but a few rods before the wagon wheels got fast in some old ruts, and the team stopped. Kellerman, observing the condition of the wagon and team, and the rapid approach of the fire, at once started to the relief of his wife and children, but before he could reach them the fire had overtaken them and the wagon and contents were enveloped in flames. He made every effort possible to save his wife and children, but he could not relieve them from the devouring element. His wife, two children and himself all perished in the flames. The bodies of the children were entirely burnt up. The body of Mrs. Kellerman was so burned that but a small portion of the charred and blackened remains was ever found. Kellerman was so badly burned that he died about two hours afterwards. The horses were also burned to death. The three older children had got on the plowed ground just as the fire overtook the wagon. . They

were compelled to stand there and see father, mother and brothers perish, without being able to render them any assistance. This was one of the saddest and most heart-rending affairs that has ever occurred in the county.

A very sad accident occurred in April, 1871. R. T. Stokes was constructing a wind mill in Garnett, and in the rear of the building a large derrick had been set up, for the purpose of hoisting heavy timbers on the top of the building. One evening after the workmen had gone home, and it had become quite dark, a number of the boys of the town were climbing up the ropes on the derrick. When some four or five of the boys were on the ropes, the fastening at the top of the derrick gave way, and let it fall. The main timber of the derrick fell on a boy by the name of Peter Tefft, a lad about fifteen years of age. The fall of timber crushed his skull, from which he died in a few hours. He was the youngest child of John Tefft, an old and respected citizen.

On the 27th day of March, 1871, a family by the name of Town, living east of Garnett, consisting of James A. Town, his wife and an adopted son, about ten years of age, left their home about noon to go to Middle creek, in Franklin county. They were traveling in a two-horse wagon. When they came to the Pottowatomie, the stream had taken a rise, and being unacquainted with it they did not suppose that it was unsafe to attempt to cross. They drove in, but before they got far into the water the wagon be-

gan to float, and the wagon body became detached and floated down stream. Mr. Town and son were thrown into the water, and soon disappeared from view. The wife remained in the wagon body, and was rescued, while Mr. Town and her adopted son were drowned.

The next day after Mr. Town and his son were drowned a man, whose name is unknown, who had been working on the railroad, while in a state of intoxication went down along the railroad, and fell into Lake Joy and was drowned. He had been drowned several days before his body was discovered.

In the summer of 1872 a boy by the name of Hiram Dart, about eighteen years of age, was with other boys in the Pottowatomie, above the Farrah mill dam, bathing. He became strangled, and drowned before help could reach him.

John Hall, an old and respected citizen, living on the Osage, in the southeast portion of the county, in 1874 was digging a well on his farm: was down in the well, and while a tub was being hoisted from the well a pick fell from the tub, striking him on the head, killing him instantly.

Coleman Payne, living near the head of the South Pottowatomie, in Rich township, in 1874 was in a coal bank, digging coal, when the bank slid in, burying him beneath the earth, killing him.

Henry Feuerborn, an old citizen of Putnam township, and one of the early settlers of the county,

while hauling hay, in the fall of 1875, and driving over a piece of stony ground, the wagon struck a stone, upsetting it, precipitating him among the stones with such violence that he was seriously injured, from the effects of which he died in a few days.

Levi L. Hayden, one of the early settlers of Reeder township, living on the western border of the county. in the autumn of 1860, with several other persons, left his home to go west on a buffalo and wolf hunt. They went to the Arkansas river, near where the town of Wichita is now situated, and there arranged their camp for the winter. In the latter part of November he went out from camp to set bait for wolves. It was a snowy, stormy day, and he soon became bewildered and wandered around over the prairies for a long time. Not returning to the camp, his party became alarmed as to his safety, and went in search of him. He was found on the third day afterwards, sitting on a log, with his feet frozen to the ice. His comrades took him to camp, but he was so badly frozen that his feet and hands sloughed off. and, after suffering the most terrible pain, he died.

In November, 1871, A. J. Walker, living on the head of Deer creek, in Rich township, bought an Indian cow and calf. He took them home in the morning. After dark that evening he went to the stable to feed and take care of his stock. He remained absent for some time, until his wife became alarmed, when she went in search of him. She

found him lying in the yard, dead. He had been hooked by the cow on the inside of the thigh, severing the femoral artery, producing instant death.

In the spring of 1876 a boy 12 or 13 years of age, by the name of Follice, living on the Osage, in the southeast corner of the county, fell from a wagon load of corn. The force of the fall crushed his skull, causing death in a few moments.

Several families by the name of Lankard settled on Pottowatomie creek, in the west part of the county, in the spring of 1857. Daniel Lankard with his family still resides there. In September, 1864, Mrs. Lankard, with a span of young horses, drove to a well some distance from the house for a barrel of water, taking three of the children with her. The neck yoke became detached, the pole dropped to the ground, and the horses became frightened. Mrs. Lankard was thrown forward, and kicked by the horses, and otherwise bruised, from the effects of which she died.

## CHAPTER XVI.

### *Various Bond Propositions to aid Railroad Companies to Build Railroads—The Orders for Submission, and the Results of the Elections Thereon.*

IN the development and growth of this county the people were animated by a desire to have all the facilities for commerce and easy and speedy means of travel and transportation that are enjoyed by older and more wealthy communities, and in order to secure such facilities have adopted the system of aiding railroad companies in the construction of their roads by voting and issuing municipal bonds of the county. The question of voting and issuing bonds to aid in the building of railroads has been a source of grave consideration, and much discussion, strife and ill feeling has grown out of the various railroad schemes that have been presented to the people of the county from time to time, for their approval or rejection.

The first proposition was submitted to a vote on the 15th day of August, 1865, to subscribe one hundred and twenty-five thousand dollars to the capital stock of the Leavenworth, Lawrence & Fort Gibson railroad company, and issue the bonds of the county in payment thereof, with the following result:



Monroe township—162 for, 1 against; Walker township—55 for, 23 against; Washington township—15 for, 6 against; Jackson township—24 for, 5 against; Reeder township—3 for, 43 against; Ozark township—9 for, 1 against; total—268 for, 79 against; majority for the bonds, 189.

On the 2d day of December, 1867, the county commissioners made an order for the submission of the following proposition:

“Shall the county of Anderson subscribe one hundred and twenty-five thousand dollars additional, in full paid-up stock, to the capital stock of the Leavenworth, Lawrence & Galveston railroad company, and issue the bonds of the county in payment thereof?”

With a proviso that said railroad company should have its road completed to the southern line of the county by the 15th of October, 1868; and in case the road was not completed by that time the bonds should not be issued. The proposition was submitted at a special election on the 23d day of December, 1867, with the following result:

Monroe township—247 for, 14 against; Walker township—47 for, 39 against; Vess precinct—28 for, 1 against; Jackson township—48 for, 8 against; Reeder township—0 for, 117 against; Ozark township—8 for, 23 against; Washington township—43 for, 2 against; total—421 for, 204 against; majority for the bonds, 217.

On the canvass of the vote the board of commissioners made the following order:

“There being 421 votes for the bonds, and 204 votes against

the bonds, it is hereby declared that Anderson county subscribe one hundred and twenty-five thousand dollars additional to the capital stock of the Leavenworth, Lawrence & Galveston railroad company, and issue the bonds of the county therefor, upon completion of said road to Garnett, in said county: Provided, Said road is completed and in good running order on or before the 15th day of October, 1868."

On the 30th day of January, 1869, the board of county commissioners made the following order in relation to voting aid to the railroad:

"Be it ordered, by the board of county commissioners of Anderson county, Kansas, that a special election be held in said county of Anderson on the 6th day of April, 1869, and that at said election the qualified voters of said county shall then and there vote 'for' or 'against' the proposition for said county to subscribe one hundred and seventy-five thousand dollars to the capital stock of the following railroad companies, and on the conditions following, to wit: That said county of Anderson shall subscribe seventy-five thousand dollars to the capital stock of the Leavenworth, Lawrence & Galveston railroad company; said stock to be subscribed and the bonds of said county issued in payment therefor, on condition that said railroad company shall first construct a continuous line of railway from the city of Lawrence to the town of Garnett, and have said road fully equipped with all necessary rolling stock for the accommodation of the business of said road: Provided, That said company shall have its road constructed and in operation to the town of Garnett by the fourth of July, 1869, and shall erect and maintain their depot within one hundred and sixty rods of the public square of the town of Garnett: And provided further, That said railroad company shall release said county from any claim that said company may have against said county by reason of an election held in said county on the 23d

of December, 1867; and the said railroad company shall receive the said seventy-five thousand dollars in bonds in lieu of the bonds voted on said 23d day of December, 1867.

“And further, that the said county of Anderson shall subscribe the remainder of said one hundred and seventy-five thousand dollars to the capital stock of the Missouri River, Ft. Scott & Gulf railroad company, or any other railroad company that will build said road; said stock to be subscribed on condition that said railroad company shall first construct a continuous line of railway from Kansas City, Missouri, via Olatha, Paola and Greeley, to the town of Garnett, and have said road fully equipped with all necessary railway stock to accommodate the business of said road: And provided further, That said railroad company shall erect and maintain their depot within one hundred and sixty rods of the public square in the town of Garnett: and further, that said railroad company shall have their road built and in operation to the town of Garnett on or before the first day of January, 1870.

“Said stock not to be subscribed to either of said railroad companies or the bonds to issue in payment therefor until the company has constructed its road as aforesaid, and in the time specified herein: the bonds to be issued in payment of said stock to run thirty years from the date thereof, bearing interest thereon at the rate of seven per cent. per annum, payable annually, on the first day of July.”

April 13, 1869, the board of county commissioners canvassed the vote of said special election, with the following result:

Monroe township—298 for, 43 against; Walker township—87 for, 50 against; Washington township—35 for, 14 against; Reeder township—1 for, 115 against; Ozark township—13 for, 35 against:

Jackson township—48 for, 30 against; total—479 for, 287 against; majority for the bonds, 192.

“Thereupon it is hereby ordered that the bonds as aforesaid be issued to said railroad companies, according to the conditions upon which said propositions were submitted.”

August 11, 1869, the board of county commissioners in special session made the following order:

“Ordered, by the board, that a special election be held in the several voting precincts in the county of Anderson, on Monday, September 13, 1869, whereat shall be submitted to the qualified electors of said county for adoption or rejection: Shall the county of Anderson subscribe two hundred thousand dollars to the capital stock of the Leavenworth, Lawrence & Galveston railroad company, and issue the bonds of the county in payment therefor? Said bonds payable thirty years after their date, bearing interest at the rate of seven per cent. per annum, payable annually. Said bonds to bear date of January the 1st, 1870, and to be issued and delivered to said railroad company on the 1st day of January, A. D. 1870, and before that time if the railroad company shall on or before that time have its line of railway completed to the town of Garnett, in said county; and if said line of railway shall not be completed thus far by that time, then said bonds to be issued and delivered when said line of railway is completed to the town of Garnett, in said county: Provided, The county of Anderson be released from all propositions or votes taken to subscribe stock or issue bonds to said railway company. Electors desiring to vote on the above proposition shall have their tickets written or printed as above, and shall add thereto for or against the subscription of stock to the Leavenworth, Lawrence & Galveston railroad company, as the elector may desire to vote.

“SECOND PROPOSITION.

“Shall the county of Anderson subscribe one hundred

and twenty-five thousand dollars to the capital stock of the Paola & Fall River railroad company, the bonds of the county to be issued in payment thereof? Said bonds to be payable thirty years after date, and to bear interest at the rate of seven per cent. per annum, payable annually, and to be issued and delivered to said railroad company on or before the first day of January, 1871: Provided, Said railroad company shall, on or before that time, construct a line of railway from Paola, in Miami county, Kansas, via Greeley, in Anderson county, to the town of Garnett, in Anderson county, and the county of Anderson be released from all obligations on account of a vote taken April 6, 1869, to subscribe stock to said railroad company." \* \*

On the 17th day of September, 1869, the board of county commissioners met and canvassed the vote of the special election of September 13, with the following result:

On the proposition to subscribe stock to the Leavenworth, Lawrence & Galveston railroad company: Jackson township—23 for, 40 against; Ozark township—7 for, 32 against; Walker township—104 for, 32 against; Washington township—28 for, 6 against; Monroe township—389 for, 16 against; Reeder township—0 for, 246 against; whole number of votes, 923; for the bonds, 551; against, 372; majority for the bonds, 149.

On the proposition for the bonds to the Paola & Fall River railroad: Jackson township—28 for, 35 against; Ozark township—9 for, 30 against; Walker township—110 for, 22 against; Washington township—28 for, 6 against; Monroe township—388 for, 16 against; Reeder township—3 for, 243 against;



whole number of votes cast, 918 : for the proposition, 566 : against the proposition, 352 : majority for the bonds, 214.

"The above propositions having each received a majority of all the votes cast, we hereby declare that the county commissioners of said county are authorized to subscribe stock to said railroad companies according to the propositions hereinbefore recorded on the journal of said board."

The bonds of Anderson county, to the amount of two hundred thousand dollars, were issued to the Leavenworth, Lawrence & Galveston railroad company on the 5th day of November, 1869, and delivered to James F. Joy, to be delivered to the railroad company when the road should be completed to Garnett. On the 8th day of July, 1870, M. R. Baldwin, superintendent of the L., L. & G. railroad company, certified that the road was completed to Garnett on the first day of March, 1870 ; and thereupon the board made an order on James F. Joy to deliver said bonds to the railroad company.

August 11, 1871, the board of county commissioners, at a special meeting, made the following order :

"Shall the county commissioners of Anderson county, Kansas, subscribe one hundred and sixty thousand dollars to the capital stock of the Paola & Fall River railway company, and issue the bonds of the county in payment therefor? Said bonds to be due and payable in thirty years from the date thereof, with interest coupons attached, drawing interest at the rate of seven per cent. per annum. Said interest to be paid semi-annually, on the first days of



January and July of each year. One hundred thousand dollars of the said bonds to be delivered when the Paola & Fall River railway company shall construct and complete the grading and masonry work upon their line from the city of Paola, in Miami county, to the city of Garnett, in Anderson county; and sixty thousand dollars of said bonds to be delivered when the Paola & Fall River railway shall have completed the grading and masonry work to the western line of Anderson county: Provided, however, That no bonds shall be delivered until the Paola & Fall River railway company shall give good and sufficient guarantees for the immediate and entire completion of the work by responsible parties, for putting thereon the iron and the necessary rolling stock, without any additional franchise from the county, and making the Paola & Fall River railway in all respects a first-class railroad, with full equipments for the transportation of freight and passengers: And provided further, That sufficient guarantees shall be given for the establishment and maintenance of depots at not less than three places in Anderson county—one of which shall be in the town of Greeley, and one in the city of Garnett, and one between Garnett and where the said railway shall intersect the western line of Anderson county, and to be not less than eight miles from the city of Garnett."

On the 15th day of September, 1871, the board of county commissioners met and canvassed the vote of the special election, with the following result:

Rich township—21 for, 53 against; Ozark township—15 for, 25 against; Washington township—27 for, 20 against; Monroe township—453 for, 30 against; Lincoln township—24 for, 6 against; Reeder township—1 for, 73 against; Walker town-

ship—96 for, 29 against; Jackson township—33 for, 21 against; Putnam township—15 for, 26 against: whole number of votes cast, 968; for the proposition, 685: against the proposition, 283; majority for the subscription of stock and issue of bonds, 402.

The railroad indebtedness of the county to aid railroad companies in the construction of their roads is as follows: Two hundred thousand dollars issued to the Leavenworth, Lawrence & Galveston railroad company: dated January 1, 1870, payable thirty years after the date thereof, bearing interest at the rate of seven per cent. per annum; interest payable annually.

There is now one hundred and sixty thousand dollars of the bonds of Anderson county in possession of the Treasurer of State, issued to the Paola & Fall River railway company, dated April 1, 1874, payable thirty years after the date of issue thereof, bearing interest at the rate of seven per cent. per annum; interest payable semi-annually from their delivery. These bonds are in escrow, to be delivered when all the conditions on which they were voted have been complied with. The legality of the issue of these bonds has been questioned, and a suit is now pending in court for the return of the bonds to the board of county commissioners, and for their cancellation.

## CHAPTER XVII.

*Garnett—Contest Over the Townsite—Removal of J. Y. Campbell, Probate Judge—Appointment of Charles Hidden—Pre-emption of the Townsite—Public Buildings—Business Houses—Business Men—Successive City Officers and Postmasters.*

IN the fall of 1859 the Commissioner of the General Land Office made an order cancelling the entry of the towns of Garnett and Troy. As soon as the papers were forwarded from the Lecompton land office to the General Land Office at Washington, the commissioner discovered that a whole section had been pre-empted for town purposes, and was in violation of the act of Congress of 1844. The cancellation of these pre-emptions left the occupants of the two townsites residing on government land, with town improvements. Dr. John B. Chapman entered upon the south half of the old Garnett townsite, and claimed it under the pre-emption law of 1841; and W. A. Johnson settled the north half of the old townsite of Troy, and claimed it under the same act; and both Chapman and Johnson established their right to pre-empt the land claimed by them.

On the 4th day of April, 1860, the persons resid-

ing on the north half of the south half and the south half of the north half of section 30, township 20, range 20 (that being the north half of the former townsite of Garnett and the south half of the former townsite of Troy), associated themselves together as a town company, under the name of "The Town Company of Garnett," with a capital stock of \$8,000, divided into two hundred shares of forty dollars each, for the purpose of obtaining a title to the lands included in the townsite.

On the 9th day of April, 1860, a certificate of incorporation was made and filed with the Secretary of the Territory, as follows:

"This is to certify that we, the undersigned persons, have this day associated ourselves together and organized ourselves into a town company, under the general incorporation act of the Territory, to be styled 'The Town Company of Garnett,' with a capital stock of eight thousand dollars, for the purpose of obtaining, by pre-emption or otherwise, the title to the north half of the south half and the south half of the north half of section 30, township 20, of range 20, and to improve the same.

"D. W. HOUSTON.

"B. D. BENEDICT.

"J. G. SMITH.

"C. P. ALVEY.

"G. W. ILLER.

"W. A. JOHNSON.

"M. J. ALKIRE.

"B. F. RIDGEWAY."

This was acknowledged before Charles Hidden, a justice of the peace, and the certificate was duly filed in the office of the Secretary of the Territory on the 14th day of May, 1860.

The company, so organized, opened books for the subscription of stock. The following are the stockholders of the company, and the number of shares held by each : H. Cavender, C. J. Farley, J. B. Stitt, C. Hidden, A. Simons, J. L. Kercheval, G. A. Cook, J. C. Johnson, William Lampman, J. G. Smith, A. W. Ross, W. A. Johnson, H. Tefft, L. F. Busenbark, M. J. Alkire, Chris. Bowman, J. H. Howard, D. W. Houston, B. D. Benedict, Martin Setter, George W. Iler, J. Q. Tefft, John Johnston, Henry Neal, T. Lindsay, C. P. Alvey, B. F. Ridgeway, John Tefft, John S. Stowe, Harvey Springer, Hugh Quinn, four shares each ; D. Frankenberger, J. R. Slentz, R. McLaughlin, Wm. McLaughlin, Robert Beck, J. Graham, F. G. Bruns, Joseph Wilhite, D. Bowman, George Tefft, John Parson, J. M. Alvey, S. J. Crawford, Junius Duran, Gifford McAfee, James McLaughlin, S. B. Miller, Joseph Embry, A. McAfee, William Tefft, A. Rudd, Miram Pennock, N. Porter, Samuel Isaac, John Parker, three shares each ; and G. W. Arrell, one share.

The stockholders proceeded to elect the following persons as directors : D. W. Houston, J. G. Smith, C. P. Alvey, G. W. Iler, B. D. Benedict, G. A. Cook, W. A. Johnson and Thomas Lindsay ; and the directors so chosen elected D. W. Houston, president ; B. D. Benedict, vice president ; J. G. Smith, secretary ; and C. P. Alvey, treasurer.

The company proceeded to have the townsite sur-

veyed and laid off in streets, alleys, blocks and lots : and caused a plat to be made, duly signed and acknowledged by the president, and filed for record in the office of the register of deeds of the county. The company then made application to J. Y. Campbell, probate judge of the county, requesting him to pre-empt the townsite for the use and benefit of the occupants thereof, for their several use and benefit, according to their respective interests.

Judge Campbell, being the agent and attorney of the old Louisville Town Company, refused to do so.

On the refusal of the probate judge to pre-empt the townsite as requested by the company, they petitioned him to grant an order declaring them a municipal corporation.

Although the petition was signed by more than two-thirds of the legal electors of the town, the Judge refused to make the order. The citizens held a mass meeting and appointed a committee, consisting of G. A. Cook, A. Simons and B. F. Ridgeway, to confer with the Judge, and ask him to grant the incorporation, but he still refused. The meeting then appointed a committee of fifteen to consult with him on the matter, but he still was obstinate and refused to grant the incorporation. Then the citizens applied to the Territorial Legislature, at its session in 1861, for a charter of incorporation ; and the House passed a bill in the early part of the session incorporating the town of Garnett. As soon as Judge Campbell learned that the effort was being



made to have the town incorporated by the Legislature, he went before the Council and succeeded in defeating the measure before that body. So, at the close of the session of the Legislature in the winter of 1861, the citizens on the townsite were left in uncertainty as to the title of their possessions.

Judge Campbell having been elected under the Wyandotte constitution, was to enter upon the duties of the office, under the State organization, for a term of two years.

Matters began to assume a serious aspect; there were about five hundred inhabitants residing on land to which they were justly and equitably entitled to have a clear title, but were kept out of it by the action of the probate judge. Thus matters remained until September, 1861, when the citizens requested D. W. Houston and W. A. Johnson to investigate the matter and see what steps could be legally taken to secure the rights of the citizens to their homes; and on examination of the county records it was discovered that Campbell had not qualified as probate judge in all respects according to law, so they procured certificates and affidavits of that fact and presented the matter to Governor Robinson, with a request for the appointment of Charles Hidden to the office of probate judge. The Governor, after examining the whole case, was satisfied that a vacancy existed, and commissioned Charles Hidden as probate judge for the county.

The commission came late in the evening, and

Hidden qualified that night, and next morning called on Campbell for the books and papers belonging to the office, which he refused to deliver up, so that it became necessary to get them by legal proceedings. Application was made to Judge S. O. Thacher for an order for the recovery of the books and records of the office. Campbell was duly notified of the application, and appeared at Lawrence and strenuously resisted the application; but, on a full hearing, Judge Thacher granted the order, and addressed it to G. A. Cook, sheriff of Anderson county, directing him to seize the property and books belonging to the office and deliver the same to Charles Hidden, probate judge. From the judgment and order of Thacher, Campbell appealed to Thomas Ewing, chief justice of the Supreme Court.

On receiving the order Sheriff Cook proceeded to execute the same; but on entering the office found nothing but the seal of the court and an empty desk. The seal had been left on the table by mistake. Cook notified Campbell of his business, and seized the seal; Campbell forbade him taking it, claiming it to be private property, whereupon Cook made an impression with the seal, which showed it to be the seal of the probate court, and took the seal, together with the desk, and delivered them to Hidden.

On the 7th day of October, 1861, Charles Hidden, probate judge of Anderson county, by an order duly made, declared the town of Garnett a municipal corporation, in pursuance of the provis-

ions of a law of Kansas, entitled, "An act for the incorporation of towns and villages," approved February 1, 1859, in the name and style of the "Inhabitants of the Town of Garnett," and at the same time appointed as trustees of the town, G. W. Iler, Thomas Lindsay, G. A. Cook, B. F. Ridgeway and William McLaughlin. The trustees thus appointed met and qualified on the same evening, and organized by selecting G. W. Iler chairman, and G. W. Arrell as secretary. On the 17th day of October, 1861, the chairman of the board of trustees pre-empted the townsite, in trust for the several use and benefit of the occupants thereof.

At the January term of the Supreme Court, 1862, the appeal taken by Judge Campbell was argued before Chief Justice Ewing, by Nelson Cobb for Campbell, and W. A. Johnson for Hidden. The Chief Justice took the case under consideration for about two weeks, and finally affirmed the order made by Judge Thatcher, which put at rest the probate judgeship of Anderson county, and the title to the townsite.

During the two years that the title of the townsite was kept in a state of uncertainty by the obstinacy of the probate judge, very little improvement was made and but few settlers located in the town. Then came the rebellion, that kept all improvements from progressing for several years, until the close of the war.

In 1858 the old Garnett town company built a

school house on the northwest corner of Seventh avenue and Oak street, and donated it to school district No. 2. This was the first public building in the town. It was used for all public meetings and for court purposes for three or four years. In 1862 the district sold the building to H. Cavender for \$300, and built a two-story frame building on the corner of Third avenue and Cedar street, at a cost of \$3,500. In 1874 the district built a brick school house, with stone basement, on the southwest corner of Third avenue and Pine street, at a cost of \$30,000. This is one of the best school houses in this part of the State.

In 1864 a stone building was built on the public square, two stories high, for a jail and jailer's residence, at a cost of \$3,000.

F. G. Brun's opened a furniture store on the corner of Sixth avenue and Cedar street in 1857, and has continued in the business to the present time. now in partnership with O. Fabricius, on Fifth avenue.

Martin Setter established a boot and shoe shop on Sixth avenue in 1858, and has remained in the business since, and is now on Fifth avenue.

Thos. J. Owen opened a saloon on Pine street in the spring of 1859.

J. T. Purcell started a harness and saddle shop on the northeast corner of Fifth avenue and Pine street in 1858, and is now carrying on his business

on Fifth avenue, on the south side of the public square.

G. W. Iler and J. G. Smith opened a dry goods store on the southeast corner of Seventh avenue and Pine street in the summer of 1859, and continued till 1861, and sold to W. O. Cloud, who continued the business until 1866, when he removed the building to Fifth avenue, on the south side of the public square, where he continued his business for a few years, until declining health compelled him to retire to private life. He died in 1868.

C. P. Alvey opened a dry goods store in May, 1859, on Sixth avenue, in the house now occupied by L. Kolb as a residence. In 1860 he removed into a two-story frame building on the northwest corner of Fourth avenue and Pine street, which he used as a dwelling and store until 1867, when he moved his store into his new stone building on the southwest corner of Fourth avenue and Oak street, where he continued his business until 1869.

G. W. Iler and W. J. Baylès formed a partnership in 1866, and opened a store as general merchants on Fifth avenue, on the south side of the public square, which was the first store building erected on the public square, where they continued their business for several years.

The Garnett House, on the southwest corner of Fourth avenue and Walnut street, was built in 1858 by D. W. Houston, and opened as a hotel by Hiram Tefft in the fall of the same year. It was the first



hotel in the town. There have been several additions built to the building since.

Bruns' Hall, a two-story frame building on the southwest corner of Sixth avenue and Cedar street, was the first hall in the town. It was built in 1860, and was used for public purposes and for a court room; and the Masons and Odd Fellows occupied it for several years, where both societies were organized. It is now partitioned into small rooms, and occupied by George Vines as a dwelling.

John S. Stowe opened the first meat market, in 1860.

John Porter built a two-story frame dwelling on Fourth avenue, north side of the public square, in 1859; the house now owned by E. S. Niccolls.

William Lambert started a blacksmith shop in the spring of 1859.

Harvey Springer opened a wagon shop in 1859, and is still engaged in the same business.

H. C. Moler built a two-story frame building on the northwest corner of Seventh avenue and Pine street, in 1863, and opened a dry goods and grocery store, and continued to do business there until 1867, when he removed his building to the northwest corner of Fifth avenue and Oak street; but soon after sold it, and it is now owned by W. H. Lott.

C. P. Alvey built a two-story stone building on the southwest corner of Fourth avenue and Oak street in 1866. This was the first stone business house erected in the town. The second story was



used for several years for a court room and public meetings; but has been partitioned into rooms and occupied as offices.

C. E. Dewey built a two-story frame house on the southwest corner of Seventh avenue and Main street in 1866, and opened a boarding house the same fall, which he has occupied until the present.

L. Kolb opened a saloon on Sixth avenue in 1860, and has been engaged in that business and in keeping restaurant ever since.

John Dunn opened a drug store on the northeast corner of Fourth avenue and Pine street in 1865, and sold it to C. P. Alvey, who sold it to B. F. Pattee and D. R. Pattee in 1866, who remained in that business for four or five years.

L. F. Busenbark opened a stove and tin shop on the northeast corner of Seventh avenue and Pine street in 1860.

Isaac Morley started a blacksmith shop on Fourth avenue in 1859, and continued it until 1861.

A. L. Osborn opened a blacksmith shop in 1863.

The Eagle mill was built by C. E. Wolfley and W. S. Vreeland in 1867, on Sixth avenue. It was a saw and flouring mill combined, and one of the best mills in Southern Kansas. It is now owned and operated by J. M. Stevenson & Co.

M. B. Taylor built a two-story frame building on the northwest corner of Fourth avenue and Oak street in 1867, and opened a drug store therein,

known as the "City Drug Store." The postoffice was kept in this building for several years.

Isco Sutton opened a dry goods and grocery store on the southeast corner of Fifth avenue and Main street in 1867.

The county built a two-story stone and brick building for a court house on Oak street in 1868, where the county offices and records have been kept ever since the spring of 1869.

E. I. Meeker opened a grocery store on Fifth avenue in 1868; and afterwards removed his store to Oak street, and entered into partnership with M. L. White, and added dry goods to their stock.

L. Kolb built a one-story stone house on the northwest corner of Sixth avenue and Main street in 1868, and opened a saloon therein. The house is now occupied for the same purpose by Jacob Askins.

G. W. Osborn built a livery stable on Fifth avenue in 1868, which is now operated by J. J. Wardell.

The Galveston House, on Seventh avenue, a two-story frame, was built by Riley Spriggs in 1868, and was destroyed by fire in 1871.

John Ricketts opened the first lumber yard in the town in 1868.

William Groll opened a grocery store on Fifth avenue, on the south side of the public square, in 1868, and still continues the business, having added dry goods to his stock.

Bruns & Fabricius built a one-story brick house

for a furniture store and factory in 1868, and opened a store in it the same fall.

H. C. Moler built a one-story brick house on Fifth avenue in 1868, and opened a grocery store therein.

Mrs. S. J. Hamilton built a two-story stone house on Fifth avenue, on the south side of the public square, in 1869, and Mrs. S. J. Ross opened a grocery store in it the same year.

J. W. Rice built a two-story brick house on Fourth avenue, west of the city drug store, in 1869, and the postoffice was kept in this building for four or five years.

W. Huff built a two-story frame house on Fourth avenue, north of the public square, in 1869, and opened a jewelry store in it the same year.

W. H. Carson opened a dry goods store on the southwest corner of Fourth avenue and Oak street, in the Alvey building, in 1869, and afterwards formed a copartnership with Elias Norris.

The Barber block, a two-story brick, on Fifth avenue, south of the public square, was built in 1869 by F. G. and A. G. Barber. The Barber brothers opened a large dry goods store in the block the same year. In August, 1872, A. G. Barber withdrew, and F. G. Barber has carried on the business successfully ever since, in the same place.

A. F. Royer & Co. opened a hardware store on Fifth avenue in 1869, and afterward sold to Elmer

Golden and P. G. Noel, and they sold to Chas. W. De Wolf, who still continues the business.

Knouff, Wittich & Crouse opened a grocery store on Fifth avenue and Main street, in the year 1869, and dealt in grain. This was the first grain store in the town. Knouff afterwards withdrew from the firm, and the business has since that time been carried on in the name of Wittich & Crouse. They added dry goods to their stock on the withdrawal of Knouff.

William Hamilton opened a boot and shoe store on Fifth avenue in 1869, and continued in that line of business until his death in December, 1875, and the business has been continued since his death by his widow, Mrs. S. J. Hamilton.

Mrs. A. Laferty opened a millinery store on Fifth avenue, south of the public square, in 1869.

Brunswick Hall, on Fifth avenue, a two-story frame building, was built by John D. Gill in 1869, where he opened a saloon in 1870.

J. P. Crane started a lumber yard on the north-west corner of Seventh avenue and Oak street in November, 1869.

A. S. Meriam & Co. opened a lumber yard on Oak street in 1869.

Edwards & Son opened a lumber yard on Main street in 1870.

P. G. Noel opened a dry goods store on Oak street in 1869, and sold to Edgar Barnes.

Elmer Golden opened a hardware store on Oak

street in 1869, and afterward formed a partnership with P. G. Noel in the store room now occupied by C. W. De Wolf.

The St. James Hotel, a three-story frame building on Oak street, was built by G. A. Smith and L. H. Gordon in 1870, and opened in the same year, and is still occupied as such by the same parties.

A two-story brick and stone block was built on Oak street, extending from the southwest corner of Fifth avenue to the St. James Hotel, in 1870, by John R. Foster & Co., E. I. Meeker, D. A. Perrin and Stouch & Vreeland. This block contains five business rooms below, and four halls above. The Stouch & Vreeland hall is the largest and finest in the city.

John R. Foster & Co. started a bank on Fifth avenue, south of the public square, in April, 1870. In 1872 "The Anderson County Savings Bank" was organized, with a capital stock of fifty thousand dollars. The first board of directors of the bank were W. H. Conover, E. I. Meeker, Thomas W. Foster, William Spriggs, Isaac Knouff, John R. Foster, A. Bergen, J. P. Crane and W. F. Smith. W. H. Conover was elected president, and John R. Foster, cashier.

Joseph Coe and R. C. Marsh opened a grocery store on Fifth avenue in 1870.

A. Kunkler opened a hardware store on Fifth avenue, south of the public square, May 10, 1871, and remains in that business at the same place.

L. Kolb built a stone building, two-stories high, on Fifth avenue, south of the public square, in 1872, and opened a saloon therein.

“The Citizens Bank of Garnett” was incorporated on the 3d day of August, 1872, with a capital stock of one hundred thousand dollars. A. G. Barber, J. T. Lanter, Milton Mills, A. Simons, W. H. Lott, J. Q. Hutchinson and Joseph Slütz composed the first board of directors. John T. Lanter was elected president, and A. G. Barber, cashier. The bank is situated on the northwest corner of Fifth avenue and Oak street.

O. E. Skinner opened a drug store on Fifth avenue in 1872, and sold it to W. R. Judson, jr., the same year, who continued in the business until 1876, when he sold it to Dr. G. J. Rogers and Jonathan White.

The Novelty mill was built by W. S. Vreeland in 1873. It was a first-class mill. In 1875 Vreeland sold the mill to D. W. Houston, who removed it to Leavenworth.

J. A. Gailey built a two-story stone house on Fourth avenue in 1870, and opened a drug store in it in 1872.

George Patton and O. W. Wyatt opened a grocery store on Oak street on the 15th of February, 1873.

J. H. Stewart opened a grocery store on Oak street in 1874, and continued there until 1876; then



removed to the south side of the public square, where he continues his business.

The Garnett cheese factory was put in operation by M. M. Minkler and J. C. Wooster in 1874.

The above are some of the business men of Garnett: but various other business men and houses in the town, for want of space and time, are omitted.

The following are the attorneys that have had offices in the town: Sam'l Anderson, D. W. Houston, W. A. Johnson, J. B. Stitt, Wm. Spriggs, J. G. Lindsay, B. D. Benedict, S. J. Crawford, A. W. Hazelrigg, Thornton A. Shinn, B. F. Ridgeway, A. Simons, M. A. Page, James F. Walker, J. J. Hoffman, W. L. Pierce, H. W. Masters, — Ellsworth, L. K. Kirk, R. E. Heller, A. Bergen, B. S. Wilkins, H. L. Poplin and Milton Mills.

Physicians: Thomas Lindsay, G. W. Cooper, Preston Bowen, J. Fitzgerald, John Buterbaugh, W. A. Walker, J. H. Whitford, O. E. French, J. W. Mackey, N. C. McMorris, G. J. Rogers, W. S. Lindsay, H. G. Wilcox.

Successive city officers: On the 7th day of October, 1861, G. W. Iler, Thos. Lindsay, B. F. Ridgeway, G. A. Cook and William McLaughlin were appointed trustees, and they elected G. W. Iler, chairman, and G. W. Arrell, clerk. February 4, 1862, G. W. Arrell was appointed to fill the vacancy caused by the absence of G. A. Cook from the city. October 23, 1863, C. Hidden, G. A. Cook and M. Puett were elected to fill vacancies

occasioned by the enlistment of Thomas Lindsay and William McLaughlin in the army, and the removal of B. F. Ridgeway from the city.

April 6, 1863, at the regular election for trustees, G. W. Iler, G. W. Arrell, J. Graham, A. L. Osborn and C. Hidden were elected.

April 3, 1865, at the annual election of city officers, D. W. Houston, J. F. Walker, H. Cavender, H. Capper and J. T. Lanter were elected trustees.

April, 1866, D. W. Houston, J. T. Lanter, T. G. Headley, H. Cavender and G. W. Iler were elected trustees.

April 1, 1867, D. W. Houston, T. G. Headley, G. W. Iler, M. A. Page and J. T. Lanter were elected trustees.

April 6, 1868, as trustees, G. W. Iler, J. T. Lanter, G. M. Everline, W. S. Vreeland and J. G. Lindsay were elected.

In 1869 the Legislature passed an act for the incorporation of cities of the third class, which provided that all towns in the State of Kansas could become incorporated as cities of the third class, provided a majority of the legal voters of the town voted to accept the provisions of the law. On the 26th of February, 1870, at a special election for the purpose of changing the municipal government to that of a city of the third class, there were 81 votes in favor of the proposition and one vote against it.

April 4, 1870, at the annual election for city officers, L. K. Kirk was elected mayor; Joseph Coe,

E. S. Hunt, John Cox, C. T. Chapin and C. P. Alvey, councilmen. J. Q. Hutchinson was chosen clerk, and resigned, and F. G. Barber was selected for the remainder of the term.

April 3, 1871, John R. Foster was elected mayor; A. F. Royer, A. Simons, J. S. Wilson, J. E. Taylor and F. G. Bruns, councilmen; and John R. Whitney was chosen clerk.

April 1, 1872, J. P. Crane was elected mayor; A. F. Royer, Otto Fabricius, Solomon Kauffman, John Ricketts and J. C. W. Pearce, councilmen; J. J. Hoffman, police judge. S. N. Williams was chosen clerk.

April 7, 1873, J. P. Crane was re-elected mayor; John Ricketts, M. A. Crouse, Wm. Baillie, R. C. Marsh and J. Lamson, councilmen; B. S. Wilkins, police judge. G. M. Everline was chosen clerk.

April 6, 1874, John T. Lanter was elected mayor; Wesley Huff, Samuel Crum, James Watson, Solomon Kauffman and A. B. White, councilmen; and M. A. Page, police judge. Thomas Bowles was selected clerk.

April 1, 1875, E. I. Meeker was elected mayor; W. S. Vreeland, J. M. Stevenson, J. P. Crane, L. H. Gordon and W. H. Lott, councilmen; J. M. Craig, police judge. J. Q. Whitford was chosen clerk.

April 3, 1876, L. H. Gordon was elected mayor; W. H. Lott, J. M. Stevenson, W. S. Vreeland, O. W. Wyatt and F. G. Bruns, councilmen; George

L. Will, police judge. J. Q. Whitford was chosen clerk.

Successive postmasters : 1858, Thomas Lindsay ; 1860, C. P. Alvey ; 1866, Isco Sutton ; 1867, M. B. Taylor ; 1869, J. W. Rice.

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## CHAPTER XVIII.

*“The Garnett Plaindealer,” the First Paper in the County—“Garnett Courant,” Established in 1868—“Garnett Journal,” Established in 1873—Organization of Anderson County Fair Association—Organization of the Paola & Fall River Railway Company—Charitable Societies—Post-offices and Postmasters.*

THE “Garnett Plaindealer” was established by I. E. Olney in January, 1865. It was a seven-column weekly paper, and the first newspaper published in the county. It was edited and published by Mr. Olney until his death, in the fall of 1866, after which it was conducted by Mrs. Olney, and edited at short intervals by William Duncan, Geo.

W. Cooper and Adrian Reynolds, until the spring of 1870, when it was purchased by L. J. Perry, who sold the old press and material, and put in a new Washington hand press and a Liberty job press, with new type, etc. Mr. Perry subsequently sold out to John S. Wilson, who published it for about two years, and sold it to W. R. Spooner, who added new material, enlarged the paper to eight columns, and conducted it in an able manner until the latter part of September, 1874, when he sold to Kauffman & Iler, who have since owned the paper. S. H. Dodge has edited it since that time. The "Plain-dealer," since 1869, has been Republican in politics, and has continually labored for the improvement of the county and to promote the best interests of its citizens.

The "Garnett Courant" was established by W. H. Johnson in 1868. It was a seven-column weekly paper, and was published only a short time, when its proprietor removed to Council Grove, in Morris county, Kansas.

"The Garnett Journal" was established in January, 1873, by G. W. Cooper. It is a weekly, seven-column paper, an advocate of no political principles.

The Anderson County Fair Association was organized on the 15th day of November, 1873, as a joint stock company, with a capital stock of five thousand dollars. The following are the names of the charter members: Thomas Gowdy, J. E.

White, John Moler, W. W. Kirkpatrick, J. S. Kirkpatrick and H. C. Reppert. The following named gentlemen constituted the first board of directors: J. Q. Bowdell, J. M. Jones, John Moler, G. W. Flint, R. T. Stokes, J. E. White, A. E. Rogers, C. S. Elder, R. H. Cunningham, W. A. Johnson, D. D. Judy, J. S. Kirkpatrick and M. E. Osborn. The association purchased forty acres of land one mile southwest of Garnett, and have commenced improving the grounds and erecting permanent buildings for the exhibition of all kinds of products, stock, &c. The association has held two fairs on the new fair grounds. The present officers of the association are J. E. White, president; W. W. Kirkpatrick, secretary; John R. Foster, treasurer; Thomas Gowdy, A. T. Cook, Edward Rayn, W. H. Conover, A. C. Messenger, Robert Mundell, G. W. Iler and I. P. Sutton, directors.

The first fair held in the county was in 1863.

On the 15th day of March, 1870, a meeting was held in Garnett, at which the Paola & Fall River railway company was organized, with the following gentlemen as directors: Wm. Crowell, H. S. Campbell, H. H. Williams and S. R. Smith, of Miami county; James Hanway, of Franklin county; W. H. McClure, William Spriggs, G. W. Iler, E. S. Nicolls and E. S. Hunt, of Anderson county; and N. S. Goss, of Woodson county. A certificate of incorporation was prepared and filed with the Secretary of State, incorporating the company.



This charter was signed by H. H. Williams, S. R. Smith, William Spriggs, E. S. Niccolls and G. W. Iler.

The board of directors, on the 21st of March, 1870, qualified, and organized by electing William Spriggs, president: H. H. Williams, vice president: E. S. Niccolls, secretary, and G. W. Iler, treasurer.

The directors opened a book immediately for the subscription of stock, and soon procured the necessary amount of stock to be subscribed to proceed with the business of the corporation.

On the 14th day of September, 1871, a proposition was submitted to the voters of Anderson county, to aid in the construction of the road by issuing one hundred and sixty thousand dollars of county bonds. Six hundred and fifty-five votes were cast in favor of, and two hundred and eighty-three against, the proposition. The city of Garnett also voted fifteen thousand dollars of the bonds of the city to aid in construction of the road. Osawatomie township, in Miami county, voted twenty thousand dollars bonds, and Pottowatomie township, Franklin county, voted twenty thousand dollars to the enterprise. The company had the line of road surveyed and located from Paola to Garnett in the fall of 1870.

On the 25th day of August, 1873, the executive committee of the company met at Garnett and entered into a contract with M. S. Hall, an old railroad contractor, to complete the road along its entire line. Hall commenced the grading and

masonry work at Paola in the latter part of 1873, and had the principal part of the grading and masonry work done to Garnett by the first of December of that year; but failing to raise the necessary money to pay his hands, he had to suspend operations, after creating a debt of about fifty thousand dollars.

The company then sought other contractors, and in March, 1874, entered into a contract with C. H. Dillingham & Co., of N. Y., to complete the road. Dillingham & Co. put men on the work of construction, but about the first of June of that year failed financially, and suspended work.

In October, 1874, the company contracted with Cutler & Davis to complete the grading and masonry from Garnett to Le Roy, which they completed on the 18th day of December, following, which finished the grading and masonry on the line from Paola to Le Roy, a distance of sixty miles.

The road still remains in this unfinished condition.

The company has labored earnestly for the completion of the road, but the panic in money matters in 1873, and the active opposition of some leading men along the line, who are believed to be in the interest of other and rival roads and towns, have prevented its success.

#### SECRET ORDERS.

Delphian Lodge, No. 44, A. F. & A. M., of Garnett, was instituted in 1864, under a dispensation from the Grand Lodge of the State of Kansas, to

W. C. McDow, J. T. Lanter, C. T. Chapin, M. A. Page, J. W. Stewart, I. E. Halloway, E. W. Robertson and Benjamin Lawellin. The first officers of the lodge were: W. C. McDow, W. M.; M. A. Page, S. W.; E. W. Robertson, J. W.

Zion Chapter, R. A. M., No. 24, was chartered in 1872, with the following members: W. H. Makeaney, J. T. Lanter, B. Pritchard, W. A. Gilham, J. T. B. Routh, E. L. Hawk, E. S. Niccolls, J. Falls, E. S. Doll. Officers: W. H. Makeaney, H. P.; J. T. Lanter, K.; B. Pritchard, S.

Faith Chapter, No. 55, Eastern Star, was instituted May 25, 1876, with forty-three members. Officers: Mrs. Ally Osborn, W. M.; Benjamin Pritchard, W. P.; Mrs. Della Hubbard, Associate M.; E. S. Hunt, treasurer; G. A. Cook, secretary.

Garnett Lodge, No. 16, I. O. O. F., was instituted December 27, 1865, with the following charter members: I. E. Olney, D. D. Judy, J. W. Stewart, A. M. Mullin, P. T. Mathews and G. W. Iler. First officers: I. E. Olney, N. G.; C. P. Alvey, V. G.; G. W. Arrell, secretary; G. W. Cooper, treasurer.

Wildev Encampment, No. 11, was organized in 1869, with a membership of 19, with the following officers: J. L. Kercheval, C. P.; G. W. Iler, H. P.; M. B. Taylor, S. W.; Jacob Schull, J. W.; E. S. Niccolls, Scribe; F. G. Bruns, treasurer.

Rebekah Degree Lodge, No. 11, was instituted July 11, 1874, with sixteen charter members. Officers: M. A. Page, N. G.; Mrs. M. J. Kauffman,

V. G. ; C. E. Dewey, secretary ; Mrs. E. G. McDonald, treasurer.

POSTOFFICES AND POSTMASTERS.

Greeley, D. W. Smith ; Garnett, J. W. Rice ; Central City, J. M. Aldridge ; Ozark, Mrs. J. Hall ; Mineral Point, T. L. Harford ; Emerald, Terrance McGrath ; Rich, B. F. Reiber ; Colony, J. M. Ford ; Welda, J. M. Kauble ; Sugar Valley, J. T. Weeden ; Cherry Mound, J. M. Hill ; Elizabethtown, J. B. Rhodes.

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CHAPTER XIX.

*Spanish Fever Among the Cattle—Locusts, or Grasshoppers—Synopsis of the Seasons.*

DURING the early settlement of the county, Texas cattle were driven annually through the country ; and, after they had passed, a terrible disease would break out among the native cattle, in most cases proving fatal. It was called Spanish fever. Its cause was made a matter of investigation by cattle raisers and scientific men, but no satisfactory conclusion was attained. The disease was the cause of much

legislation, and vexatious law-suits. The county suffered severely from its destruction of native cattle. Committees were organized by the people to prevent Texas cattle from being driven through the county, but often the cattle would be driven through before the committees would have knowledge of their being in the neighborhood.

The disease made its first appearance in the county in 1857, and continued annually until 1861, when Texas cattle were not driven through the country, because of the war, until 1866, when they were again driven through and the disease as before appeared. Since the building of railroads, and cattle are shipped over them, but little trouble has resulted to the native cattle by the disease.

The locusts, commonly called grasshoppers, have for some years past, in the frontier States, been, in localities, very destructive to crops and vegetation. Having visited Kansas several times, it is just that some account of their visitations be given, in brief, in this volume.

The first account we have of their appearance in Kansas, is from Father John Shoemaker, of Osage Mission. He says: "They came down in August, 1854, like a fall of snow." They deposited their eggs in the earth, which hatched out in the spring of 1855, destroyed all the crops and grass in the vicinity of Osage Mission, and in their flight northward in July they came down in the northeast part of Anderson county, stopped two or three days,

destroyed all the young crops in that vicinity, and again took their flight. Their next appearance was in September, 1860. The "Conservative" of May 21, 1861, says :

"Judge Lambdin, who is just from Butler county, states that the reports of damage done by grasshoppers are not exaggerated. The insects have traveled a belt of country about six miles wide, devouring every green thing; young fields of wheat have been completely destroyed by their ravages—not one blade remaining. Early corn and vegetables, and the foliage of trees, have suffered with equal severity. The evil seems to be on the increase, with no means of prevention."

They departed for the northwest about the middle of June.

Again they came in September, 1866, reaching the northwestern part of the State about the first of the month. The "Wyandotte Gazette" of the 5th of that month says :

"Between Topeka and Wamego they fill the air like snow-flakes in a winter storm."

They reached Anderson county on the 10th day of September, in vast swarms, destroying every vestige of vegetation in their course. They deposited their eggs all over the face of the earth. The winter following was wet and cold, with frequent thaws, which damaged their eggs so that but comparatively few hatched out in the following spring. They did but little damage in the spring of 1867. They took their flight to the northwest about the middle of June, to visit the place of their ancestors, to propa-



gate their species and increase their numbers for a future invasion.

In 1874 they made their appearance in this county on the 22d day of August, in numbers innumerable. They came from the northwest, at first like flakes of snow in the winter time, and then in clouds, destroying all vegetation, remaining and depositing their eggs in vast numbers. By reason of the dry summer season, much of the crops matured early. The secretary of the Anderson County Fair Association, in his report to the State Board of Agriculture, says :

“More than half the corn had been cut and saved, but the balance standing has been materially injured. The fruit is reported as being entirely safe from their depredations. They are diminishing, and have deposited but few eggs ; in some portions of the county, none.”

In October the State Board of Agriculture addressed a circular letter to the different county societies, asking for a statement of estimated destitution of the counties in consequence of the ravages of grasshoppers. The secretary of the Anderson County Fair Association, in answer to the question whether there would be a surplus of breadstuff and meat, says :

“We think there is enough provision for the people of the county. No person need suffer except through carelessness or want of work.”

Under the head of remarks, he adds :

“Corn, and feed of that kind, is high, but hay plenty, and the fall favorable for stock. Our stock of cattle and

hogs is light. Some work can be had, though at not very high prices. We think there will not be much scarcity, and probably no suffering this winter for want of provisions."

The winter was dry and remarkably favorable to the preservation of the eggs of the grasshoppers. They commenced hatching about the first of April, in vast numbers, along the timber and low lands, emerging in such numbers as to devour every green thing in about two-thirds of the county. In some places they drifted up two or three inches deep, and remained for weeks, in many places producing a sickening odor, and the people in many places, because of them, had to keep the doors of the houses closed all the time. The tame grasses, as well as the wheat, corn, oats and garden vegetables, were destroyed by them, and fruit trees were in many cases badly damaged. They commenced their departure on the 10th day of June, and by the 16th of the month had principally disappeared to the northwest, to again visit the land of their fathers to recruit a large army.

Each time they appear with greater numbers than on the preceding one. Their first invasions were in small, detached divisions, in different portions of the country; but the latter inroads have covered hundreds of miles in breadth. Should they continue to return, increasing in the same proportion, for a few years, with that of the last twenty years, it will be difficult to subsist them west of the Mississippi river,

and they will probably visit the fertile fields of Illinois, Michigan and other States further east.

#### SYNOPSIS OF THE SEASONS.

1854: Beautiful spring and mild summer, but rather dry; fair crop of corn raised for the amount planted.

1855: Severe and cold winter; pleasant spring; warm summer; good crops of all kinds; prairie grass luxuriant.

1856: Cold winter; early spring; dry summer; short crops; fine growth of prairie grass.

1857: Mild winter; early spring; warm summer, with but little rain; fair crops.

1858: Warm, wet winter; spring early; good crops of all kinds; extraordinary growth of prairie grass; heavy rains.

1859: Winter warm and dry; early spring; rainy summer; heavy rains in June; high rise of water, the streams being the highest since the settlement of the country; great damage done by the overflow of the bottoms along the streams; fine crop of corn raised; luxuriant growth of prairie grass.

1860: Cold winter; early spring; dry summer; but little rain from August, 1859, to October, 1860; streams dry; crops almost an entire failure; grass too short to mow for hay.

1861: Mild winter; pleasant spring and summer, and abundance of rain; good crops of all kinds.

1862: Cold winter; early spring; summer dry;

crops poor ; chinch bugs made first appearance, doing great damage to corn and spring wheat.

1863 : Mild winter ; wet spring and summer ; good crops ; a frost in August did some damage.

1864 : Severe winter ; pleasant spring and summer ; fair average crops.

1865 : Mild winter ; early spring : rainy season ; high water ; good crops.

1866 : Warm and wet winter and spring ; summer wet ; average crops.

1867 : Cold winter ; pleasant spring : warm summer ; good crops.

1868 : Mild winter ; dry spring and summer ; short crop, being seriously injured by chinch bugs.

1869 : Mild winter ; wet spring and summer ; high waters ; good crops.

1870 : Cold winter ; early spring ; mild summer ; poor crops.

1871 : Cold winter ; early spring ; mild summer ; average crops.

1872 : Mild winter and spring : wet summer ; high water ; good crops.

1873 : Cold winter ; heavy snow ; early spring ; warm summer ; average crops.

1874 : Mild winter ; dry spring and summer ; crops seriously injured by chinch bugs and dry weather.

1875 : Cold winter ; early spring ; wet summer and fall ; finest crops that had been produced for several years.

## CHAPTER XX.

*Religious Zeal of the Early Settlers—Churches—Educational Interests—Formation of School Districts—Building School Houses—Value of School Buildings, etc.*

THE early settlers of Anderson county, like the Pilgrim Fathers, were imbued with a religious zeal; for no sooner was a small settlement made in any locality than a religious society was organized and preparations made for religious services, notwithstanding the Territory was overrun by ruffians and semi-barbarians, intent on establishing slavery in Kansas. The settlers would, each Sabbath, meet for divine worship in their rude cabins, or in the beautiful groves, "God's first temples," in the summer time. The many church edifices in the county attest their steadfast devotion to the cardinal principles of true faith handed down to them from the primitive days of the church.

"Saint Boniface" Catholic church, in Putnam township, on the North Pottowatomie, was the first church building erected in the county, in 1858. Under the charge of Father Albert Heinmann, in 1871 this society built a college building in the same neighborhood, and called it "Mount Carmel," and

has maintained a fine school therein for the education of the youth.

The United Brethren denomination have an organization and church building in the town of Greeley. The building was commenced in 1859.

The Methodist Episcopal church has a good substantial church building at Garnett; also a large membership.

The United Presbyterians, in 1860, erected a good and substantial church edifice in Garnett. The membership of this church, at Garnett, is the strongest in the county, and also the largest in the State.

The First Baptist church in Garnett was organized in 1860, and has a new church edifice, with a good membership.

The First Presbyterian church in Garnett was organized in 1868, and in 1870 built a neat, substantial building, and has a good living membership.

In 1871 the Catholics of Garnett erected a neat stone church building, and have a respectable membership in their organization.

The Catholics have a large membership and good church building at Emerald. Also, on the North Pottowatomie, near the west line of the county, they have a small church.

The Christian church of Garnett have a neat little church building, and a small membership. The building was erected in 1872.

The African Methodist Episcopal church of Gar-



nett have a small stone church building, called Quinn Chapel, erected in 1874. The membership is small.

The Second Baptist church of Garnett (colored) have a small church building and small membership.

The Presbyterians have a good church and building at Central City.

The Free Methodists have a church organization in the county, but no church building; and there are other church denominations in the county that have no buildings for worship. They usually hold their services in the school houses in their vicinity, or in private dwellings of their people.

The education of the youth received the early attention of the settlers in the county. The formation of school districts and the erection of school houses were first attended to, after necessities for sustenance were procured. As soon as children enough in number could be collected in the neighborhood to commence a school, a school house was built and a teacher employed to instruct them. The people regarded the common schools as the palladium of liberty, which the schools and school houses of the county attest. The facilities for an education are far greater in the county than in many of the States who have the age of half a century. Eighteen years ago not a school house in the county, which now can boast of sixty-two good substantial school houses, of the value of sixty-two thousand dollars, with furniture of the value of forty thousand dollars,

as shown by the report of the superintendent of public instruction for 1875, with sixty-five school districts organized.

John R. Slentz was the first superintendent of public instruction of Anderson county, appointed by Hugh S. Walsh, Secretary and acting Governor, on the 16th day of December, 1858.

The first school district was organized soon after, in Putnam township, and Alexander Garrett, James Farrah and Wm. Puett were elected the first school board.

The following districts were also formed the same year: No. 2. Officers: Wm. Smith, Chas. Hidden and D. W. Houston. No. 3. Officers: C. W. Fraker, Wm. L. Webster and D. D. Judy. No. 4. Officers: James E. White, Richard Robinson and Isaac Hiner. No. 5. Officers: Wm. Rison, Wm. Lampman and Geo. W. Simons. No. 6. Officers: Rufus Gilpatrick, J. T. Lanter and B. F. Smith. No. 7. Officers: Francis A. Hart, A. W. Jones and John B. Dilday. No. 8. Officers: Henry Williams, Anson Rudd and Wm. Agnew. No. 9. Officers: James Farrah, Benoni Brown and Thos. G. Headley. No. 10. Officers: Stephen Marsh, C. C. Haskins and Oliver Marsh. No. 11. Officers: Wm. Dennis, Wm. R. Vanscoyoc and Jephtha Lawellin.

Six districts were organized in 1859, two in 1860, two in 1861, one in 1862, one in 1863, four in 1864, one in 1865, three in 1866, one in 1867, one in 1868, two in 1869, eight in 1870, eight in 1871, two in

1872, seven in 1873, four in 1874, and one in 1875. making 65 in all.

The number of children of school age in 1858 was 435 ; in 1876, 2,096.

The amount of State and county school funds disbursed among the several districts in 1858 was \$297.55 ; in 1876, \$3,379.82.

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## CHAPTER XXI.

### *Prominent Men of Anderson County.*

DR. RUFUS GILPATRICK came to the Territory of Kansas in the spring of 1855, and settled in the northeastern part of the county. He was one of the most active and energetic men of the Territory. He was a physician by profession, a Republican in politics, an active leader in the Free State cause ; a man of sound judgment, large experience, and well-informed in political tactics ; was often consulted as to the best means of securing the rights of Free State men against the Pro-Slavery party. He was always ready when needed to defend the cause of freedom, and did valuable service in behalf of his

country. He was an object of hatred to the Pro-Slavery party : and when a marauding party of the Ruffians visited Kansas, in this portion of the country, it would make an effort to capture him, but he always succeeded in evading them. He filled prominent positions in the county and Territory. He was one of the delegates from the county to the convention that assembled at Osawatomie on the 18th day of May, 1859, that organized the Republican party in the Territory ; was on the committee on platform, and took an active part in preparing the same, and in the debates of that body. He was elected superintendent of public instruction of the county in 1859 ; was elected to the House of Representatives in 1860, and was in the Legislature at the time Kansas was admitted into the Union. He was as earnest a worker in the Legislature as this county has ever had. He was the author of the resolution for the appointment of a "committee to investigate the claims issued under 'An act to provide for the adjustment and payment of claims,' and supplemental thereto, passed February 7, 1859, and to inquire what attempts, if any, have been made to foist a portion of said claims as a debt on the Territory, and to inquire what attempt has been made to establish banking institutions upon said claims, so attempted to be foisted upon the Territory, and to inquire into all matters connected with or growing out of said claims under said act, with full power to send for persons and papers," &c. He was made

chairman of the committee, and the report that he made on the matter to the House proves that he was able to cope with the most difficult questions. It is one of the most complete investigations and reports that could be made, which developed one of the most stupendous frauds that was ever attempted to be put into operation against the public, and to force upon the Territory and new State to pay, which was refuted by the sagacity of such men as Gilpatrick. He returned from the Legislature, after the admission of Kansas as a State, and resumed his duties as superintendent of public instruction. At the outbreak of the rebellion he entered the service as a secret detective on the border (a most difficult and hazardous service), and continued in this service until the 25th day of April, 1863, when, at the battle of Webber's Falls, in the Indian Territory, he went outside the lines to attend some wounded rebel soldiers, and, while dressing their wounds, a squad of rebels rode up and called him out and shot him dead. His body fell, pierced by a dozen bullets. He was buried at Fort Gibson. In his death the army lost a brave soldier, and the country a true patriot.

Among the noted settlers in the northeastern portion of the county, of 1855, was W. C. McDow, of Mississippi. He settled near Greeley, on the farm now owned by Reuben Lowry. He was anti-slavery in politics. He was, in 1856, appointed justice of the peace, and elected to that office for a number of

years thereafter. He was a preacher, and held the first quarterly meeting in the county, in the fall of 1856. He has lived a consistent christian life, respected in his neighborhood.

Among the early settlers of the county Alanson Simons is worthy of notice. He came from the State of Ohio, and settled on the Pottowatomie, two miles east of Garnett, in May, 1856, and was a reliable Free State man. He took an active part in that cause in the early struggles in the Territory. He was a member of the Pottowatomie guards, and did valuable service therein. He selected a claim, improved and pre-empted it, and has made of it a fine and valuable farm. No man in the county has been more highly and repeatedly honored than he, which is shown by the number of positions of trust which he has held. He discharged the duties of these offices with satisfaction to the people and credit to himself. He went into the army in 1862, and served until the close of the war. He now resides on his farm, deservedly enjoying the fruits of his labors.

On the 15th of March, 1857, a colony of about fifty persons left Scipio, Jennings county, Indiana, for Southern Kansas. William Spriggs, George S. King, Sarah Spriggs, J. M. Johnson, Benjamin Spriggs, Tobias May, Morgan Heflin, James Spriggs, Riley Spriggs and B. P. Brown, and each of their families, and J. C. Johnson, Hiram Spriggs and A. Heflin belonged to the colony. On the 20th day of April following the colony arrived in Anderson.



county, and settled in the neighborhood of Scipio. They at once selected claims and commenced erecting cabins, breaking prairie and opening farms. By the first of September they had some ten houses built, and families living in them. William Spriggs and Morgan Heflin opened a store at a little town selected by them, called Fairview, where they kept such articles as were most needed by the colonists.

During that spring a number of settlers located in the neighborhood, among whom were Leander Putnam, Cornelius Anderson, H. Cavender, John H. Best, Jackson Reed, Nathaniel Cottle, B. F. King, Thomas G. Headley, Rev. Hugh Reed, Chester Cummings, G. W. Flint, A. D. Jones, B. L. Adington and John S. Jones. On the arrival of the colony they found Rezin Porter, James Black, Jackson Black, Mrs. Totton, E. P. Bangus, G. W. Yandall, William Tull, William Puett, John H. Wolken, Henry Feuerborn and Christian Feuerborn. The colony settled in what is now Putnam township. In the summer of 1858 the colony laid out a town and called it Scipio, which never had any existence except on paper. The neighborhood where the colony settled is one of the most beautiful and well-improved portions of the county.

William Spriggs was the leading man of the colony. He was a lawyer by profession, had been an Old Line Whig, was a radical Republican when he came to the Territory, and has held many responsible positions and offices. He was elected delegate

to the constitutional convention, known as the Leavenworth convention, and served with distinction in that body. He was elected judge of the Fourth judicial district in October, 1858. He was elected to the Territorial Legislature, where he did good service on the judiciary committee.

The White Cloud Chief, published by Sol. Miller, in its issue of March 4, 1859, in speaking of the Legislature that had just adjourned, speaks in the following complimentary terms of the Hon. W. Spriggs, of Anderson county :

“ Among the members worthy of thanks from their constituents, and from the citizens of the Territory generally, I would mention Lewis and Larzelere, of Doniphan county ; Vail, of Marshall county, and Spriggs, of Anderson county. \* \* \* Lewis and Spriggs, of the judiciary committee, worked faithfully and earnestly in committee room and in the House, and no two others of that body did half so much to perfect the business in a manner satisfactorially to all. \* \* \* A few more such men as I have mentioned, and Kansas would have a Legislature not far in the rear of the Eastern States.”

In December, 1859, he was elected senator from this district, under the Wyandotte constitution, and was in the first Legislature of the State ; was a member of the court of impeachment that tried Gov. Charles Robinson for high crimes and misdemeanors in office. In 1862 he was elected Treasurer of State, and re-elected in 1864, which office he filled with entire satisfaction to the people, and credit to himself and the State. In March, 1867, he was appointed judge of the Seventh judicial district, and

served in that capacity until January, 1868. He has been one of the most active men that ever came to the State. He was one of the projectors of the Leavenworth, Lawrence & Galveston railroad; spent more money and time that was never repaid in procuring it than any other man. He paid for the survey of the road from Lawrence to Garnett out of his own money, and has never received anything for his time and money. He was one of the originators of the Paola & Fall River railroad, and has given his time and money to secure its construction, with some prospect of success. While he is entitled to more credit for the improvements in the county than any other man, he has received more abuse and condemnation than all other men in the county; but, to his credit, the abuse came from a class of persons always opposed to public enterprise and improvement; a class of chronic grumblers and defunct politicians. His labors will redound to the benefit of the country, and his name be honored long after his traducers have been forgotten.

Henderson Cavender, another prominent settler near Scipio, came to the county in 1857. He has held several prominent positions. He was twice elected county treasurer; three times to the Legislature; and three times as county commissioner. He has held other positions. He was an active, energetic man, and entitled to great credit for his labors in behalf of the county. He, like many

others, made some mistakes in judgment, which embarrassed him financially. He sold his property and removed to Johnson county, Kansas, and now resides at Shawnee Mission.

Thomas G. Headley was a noted settler, near Scipio, of 1857. He was twice elected county treasurer, twice county commissioner, and once a member of the Legislature. He never acquired much property, his liberality and charity being too great for him to become wealthy. He died, in Garnett, in 1870, a good citizen, highly respected, a member of both fraternities, the Masons and Odd Fellows.

Leander Putnam is among the noted settlers in the Scipio neighborhood of 1857. He has been elected to many offices of his township. He was elected justice of the peace in 1859, and held that office for several years. He has been elected trustee and assessor several times. Is a good, quiet, respectable citizen.

Dr. Thomas Lindsay located in Garnett in 1857. He came from Iowa, is a native of Ohio, had been engaged in his profession several years prior to his coming to Kansas. He was a prominent Free State man, participated in most of the political discussions during the early settlement, and has since held several prominent positions. In 1859 he was elected to the House of Representatives, and was an earnest worker in that body. In 1862 he was commissioned surgeon in the Twelfth regiment of Kansas volun-

teers, and served as such until the close of the war, when he returned and was again elected to the Legislature in 1866. He was a member of the Legislature when Pomeroy and Ross were elected to the United States Senate. He is now enjoying a large practice in his profession, having principally retired from political life.

G. A. Cook, of Sandusky county, Ohio, in March, 1857, settled three miles northeast of Garnett, took a claim and opened a fine farm. In 1857 he was appointed sheriff, and subsequently was elected and held the office until January, 1861. In 1862 he was elected justice of the peace, and held that office until January, 1870, when he again resumed the duties of sheriff, having been elected to that office in November, 1869. He was again elected justice of the peace in 1873, which position he still occupies. He has been a faithful officer. He was a reliable Free State man of public spirit, and ready at all times to assist public enterprises.

Samuel S. Tipton came to the county in 1857: settled in the west part of the county, at the place known as Mineral Point. He was one of the most prominent Free State men in the western part of the county. He took an active part in most of the political meetings in the county. He was the president of the convention that organized the Republican party in the county. He brought with him to Kansas a lot of forty-five thoroughbred cattle, and was considered for a number of years the first cattle



man in the State. He has dealt extensively in blooded cattle, and remains in that lucrative business.

William Dennis came to the county in 1857, from Indiana. He has been a prominent man in his township, a radical Republican, and leader in his party. He has been elected justice of the peace and trustee several times, filling the offices with satisfaction to all.

James G. Blunt settled on a claim northwest of Greeley, in the forks of Pottowatomie, in the winter of 1856. He came from Ohio; was a doctor by profession: a Republican in politics. He practiced his profession until the breaking out of the rebellion. In 1859 he was a member of the Wyandotte constitutional convention, and participated in most of the debates in that body. In 1861 he entered the army as lieutenant colonel, was soon thereafter promoted to the rank of brigadier general, and for meritorious service, in 1863, was promoted to major general. He was the only officer of that rank from Kansas. He distinguished himself as a soldier in many important battles during the rebellion. He was a good officer. After the close of the war he removed with his family to Leavenworth, where he now resides. His name is familiar in national history as General Blunt, and will live as long as our nation's history of the rebellion exists.

D. W. Houston, of Pennsylvania, came to Kansas in 1858: a lawyer, a Republican, an active man in politics. He succeeded in his practice of the



law, had a good practice in this and other counties, and did much to develop the county. He entered the army in 1861 as a first lieutenant in the Seventh Kansas cavalry volunteers; was soon promoted to captain, and then to lieutenant colonel; but failing health compelled him to resign in 1864, when he was elected to the State Senate. In 1869 he was appointed United States marshal for the district of Kansas, and soon thereafter his family removed to Leavenworth, where he now resides.

Preston Bowen came to Garnett in 1857, from the State of Illinois. He was a physician, a Democrat in politics, and has been a prominent man in the county. He opened the first dry goods store in the county, in May, 1857, in a log cabin in Garnett. He soon thereafter removed his store to Shannon, where the county seat then was located. He has been elected county commissioner twice, and made an efficient officer. He still resides on his farm, on the old townsite of Shannon.

A. G. West settled on the Osage, a small stream in the southeastern part of the county, in 1857. He was from Ohio, a Free State man, a Republican, and participated in the many difficulties of the early settlement of the county. He was one of Montgomery's men. Has held several prominent positions. He was once treasurer of the county, and brought order out of chaos. He served as an efficient member, one term, in the Legislature. He

is a successful farmer, and owns one of the finest farms in the county.

Joseph Price, a native of North Carolina, came from Illinois to the southern part of the county in 1858. He was one of the proprietors of Elizabethtown, a prominent man, and held several township offices.

Thomas J. Day was the first settler on Deer creek. He came there in 1855. He was one of the first commissioners of Allen county; and was one of the proprietors of Elizabethtown. He is a practical farmer, a good citizen, and owns a good farm in the southern part of the county, where he resides.

Among the early settlers in the western portion of the county none deserves mention more than Solomon Kauffman, who came to the county in May, 1856, and settled on a quarter-section of land, built a cabin and made other improvements, and finally pre-empted it. He came from Iowa to Kansas, when a young man, full of energy and resolute in purpose. He took an active part in the affairs and difficulties in the county and Territory. When serious troubles arose in the summer of 1856, he enlisted in the Free State volunteer service, under Gen. J. H. Lane, and afterwards joined the Free State militia, under Captain Samuel Walker, of Lawrence, and served in his company until the close of the troubles, in December, 1856. He was present at Topeka at the meeting of the Free State Legisla-

ture, on the Fourth of July, 1856, when that body was dispersed by United States soldiers. He was there to aid the Free State men in whatever resolutions the wisdom of that body should decide upon. He was a delegate to the Free State convention at Grasshopper Falls, in 1857, and participated in its deliberations. He was nominated for probate judge of Anderson county, in 1857, and received a majority of all the votes cast in the county. In 1858 he was elected chairman of the board of supervisors of Reeder township, and was the first chairman of the board after the organization of the township. In 1861 he was elected county assessor. When the news of the surrender of Fort Sumter reached Kansas, the loyal men began to prepare for the conflict. The settlers in the vicinity of Cresco and Central City met at the house of Mr. Kauffman, and at once organized a company of militia. Kauffman was elected captain, and was commissioned by the Governor. J. R. Eaton was elected first lieutenant, and H. N. F. Reed second lieutenant. The company numbered forty-five rank and file, and met every Saturday for company drill. In August, 1861, when it was apparent that troops were needed in active service, he bade farewell to his company of militia and volunteered as a private soldier in the Third regiment of Kansas volunteers, commanded by Col. James Montgomery. He served as a private soldier until the 11th day of September, 1862, when he was promoted to the rank of first lieutenant,

and assigned to L company, Third regiment, Indian brigade, commanded by Col. Wm. A. Phillips. and on the 28th of May, 1863, he was promoted to the rank of captain, and placed in command of a battery at Fort Gibson, in the Indian Territory, in which capacity he served to the close of the war, and was mustered out of the service with his company on the 31st of May, 1865. Soon after his return he married Miss M. J. Patton and returned to his farm, where he remained until the fall of 1868, when he was elected clerk of the district court, and made a first-class officer in that position for two years, and then went into the real estate business, which he continues to this date. He was a brave soldier, a good officer, and is an active and respected citizen.

John T. Lanter came to Kansas in the spring of 1857, and settled in the northeast part of the county, two miles from the town of Greeley. He was a native of Indiana. He came to Kansas a young man, about twenty-one years old. He settled on government land, made improvements and pre-empted a quarter-section. He married Elizabeth Baldwin, a daughter of Rev. David Baldwin. Lanter was a Republican in politics, and took an active part in all the early political controversies of the county and the Territory. In 1858 he was elected clerk of Walker township, and was the first clerk of the township. In May, 1858, he was elected to the House of Representatives, under the Leavenworth

constitution. He was a delegate to the Ottumwa convention, in September, 1858. This convention represented what were known as the nineteen disfranchised counties. He was the author of the celebrated Ottumwa resolutions. Was elected county assessor in 1860, and was elected engrossing clerk of the Territorial Legislature in the winter of 1861—the last Territorial Legislature. Was appointed deputy United States assessor in 1862, which position he filled until his district was abolished in 1867. Was commissioned as assistant provost marshal in 1863, with the rank of lieutenant, and was on duty along the border of Kansas for about eighteen months. This was a most difficult and dangerous service. Was in the battle of Westport, Missouri, on the 23d of October, 1864, and in the heat of the battle, where the fight was the hottest. In 1872 he was elected to the House of Representatives, in which body he made an efficient member, and was one of the number that assisted to defeat Pomeroy in his corrupt attempt to buy his way to the United States Senate. In 1873 he was appointed by the Governor one of the trustees of the insane asylum, and in 1876 was appointed one of the trustees of the charitable institutions of the State, which position he yet holds. He has filled all the several public positions in which he has been called to act with fidelity and to the entire satisfaction of the public. He is now the president of the Citizens Bank of Garnett, and is one of the principal stockholders.



Rev. David Baldwin settled on the Pottowatomie, north of Greeley, in 1854; was a Methodist minister of the gospel, and a radical Free State man. In 1856 he and his son David Baldwin, then a mere boy, were taken prisoners by Major Buford and his Ruffian party. They were taken to Paola, and there detained as prisoners for several days, without any charge against them, only that of being Free State men. After keeping them under guard and subjecting them to all kinds of abuse and insult familiar to Border Ruffian characters, they were released to return to their home on the Pottowatomie. Mr. Baldwin's family consisted of himself, his son David, and his daughter Elizabeth. During the time that Mr. Baldwin and his son were prisoners in the camp of the Ruffians, Miss Elizabeth, then a girl of about twenty years of age, was left at home alone to care for the household affairs, and most bravely and heroically did she guard her father's house and property in his absence. She remained there all alone, and took care of his affairs. She is deserving of as much credit for her devotion to the cause of freedom as any other woman in the State, and she knows full well the hardships and suffering encountered by the women of Kansas in its early struggles.

H. H. Williams came to the county in the spring of 1855, and settled on what is now the Isaac Hiner farm. He was a native of Ohio, a young man, zealous in the Free State cause, and



participated in most of the early political conventions in the Territory. He removed to Osawatomie, where he now resides. He was major in the Third and Tenth Kansas regiments during the rebellion, and made a good and brave officer. He is now a prominent business man in the town where he resides.

To mention all the names and services of the worthy and distinguished men that settled in the country prior to 1860 would require more space than could be expected in a work of this kind; but in addition to those already mentioned reference is made to the following gentlemen, who are worthy of special notice: Isaac Hiner, James E. White, D. D. Judy, W. L. Webster, Jonathan Masterson, Richard Robinson, James Sutton, Isco Sutton, J. B. Stitt, Jacob Benjamin, D. W. Smith, William Tull, W. H. McClure, J. F. Wadsworth, Geo. S. Holt, John H. Wolken, Brockholt Tyler, H. K. Robinson, Wesley Spindler, J. L. Bockover, Wm. Beeler, Wm. Reynolds, Harvey Springer, Wm. Smith, W. S. Smith, James Smith, Zarr Bennett, W. F. M. Arny, Benjamin Griffin, A. Rudd, Henry Williams, J. T. B. Routh, John R. Kirkland, Richard Sandlin, B. M. Lingo, J. R. Eaton, J. R. Means, David Shields, Stephen Marsh, Mathew Porter, R. H. Hall, S. W. Arrant, John L. Hill, J. S. Robinson, Wm. C. Howard, Wm. H. Hamilton, Jackson Means, Dr. David B. Swallow, Samuel S. Patton, John Stigenwalt, A. P. Clark, F. P. Whicher, John

Horn, Samuel McDaniel, Darius Frankengerger. W. L. Frankengerger, Samuel Anderson, J. B. Dilday, James Black, Jackson Black, John Tefft, William Tefft, Hiram Tefft, J. W. Lawellin, Thomas Newton, E. D. Lampman, A. O. Cooper and M. E. Osborn.

The most of the above-named gentlemen have been noticed in other portions of this volume, giving their official positions held in former years, and localities of their settlements, and are referred to here as being worthy of further notice, which is omitted for want of space. There are many other names that should have a place in this volume, but it is impossible to do justice fully to all in the history of county, State or nation.

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## CHAPTER XXII.

*Murder of Allen G. Poteet—Escape of his murderer—Murder of James Jackson by D. R. Patter—Murder of James Day by David Stewart—Murder of William Hamilton by John W. Chamberlain—Trial of Dr. Medlicott for the murder of I. M. Ruth.*

IN October, 1866, Allen G. Poteet left his home

in Garnett for Kansas City, in company with Henry W. Grayson, to bring a load of goods in a two-horse wagon. Grayson reported that he intended to return to his home in Indiana. Poteet failed to return; two weeks elapsed, and grave suspicions arose that he had been murdered. Parties went in search of him, and the last trace that could be found was that he and Grayson were seen six miles beyond Paola, on the Kansas City road. After the search had been abandoned, it was supposed that Poteet had fled the country, for some cause to them unknown. On the day of the election, in November, a letter was received stating that a man had been found, dead, by an Indian, while hunting, supposed to be Poteet, in the eastern part of Johnson county. Parties were sent hither at once, and recognized it to be the body of Poteet, though mutilated and considerably decomposed. The body had been dragged about by hogs, and one arm was missing. The body had been hidden away in a hollow. Poteet had been shot in the back of the head, and it was believed that Grayson had killed him and thus hidden the body away, and taken the wagon and team belonging to Poteet, robbing him of what money he had in his pants pocket, not searching his vest pocket, which had a part of Poteet's money in it, being found with the body. No trace of the wagon or team could be found. Rewards were offered by the county for Grayson, or any information that would lead to his capture, but nothing has ever been

heard of him since. It is supposed that Grayson took the wagon and team and departed over some isolated road in Missouri, and escaped the vigilance of the law, after perpetrating the diabolical murder.

In March, 1870, a difficulty arose between a man named James Jackson and William Cardy, in Pattee's saloon, in Garnett, when D. R. Pattee ordered them out of the house, and closed the door after them. Jackson turned and threw a stone against the door, knocking one of the panels out, upon which D. R. Pattee fired at him, through the opening, with a pistol, the ball striking Jackson in the back. He fell, and was carried away, and skillful medical aid called. Jackson lingered until about the middle of May, and died from the effects of the wound. Pattee was tried for the killing of Jackson, found guilty of manslaughter in the second degree, and sentenced to the State penitentiary for a term of five years. He was pardoned by the Governor, after remaining in the penitentiary for about two years.

About the first of March, 1874, a party of men from Middle creek, in Linn county, Kansas, came over to Greeley, in this county, and after becoming considerably intoxicated started for their homes. They had not gone far on their way until a quarrel ensued between James Day and David Stewart, two of the party, being in the same wagon. Stewart jumped out of the wagon and started away, and Day jumped out and followed him, running about two hundred yards. Day caught Stewart. Day

being a man of great physical strength, and Stewart being of less than ordinary physical ability, there-upon drew a pocket knife and stabbed him several times, killing him instantly. Stewart was at once arrested, and put upon trial for murder in a few days, before the popular mind had calmed from the shock of the spilling of human blood, and was convicted of murder in the second degree, and sentenced to the State penitentiary for the period of twelve years. It was one of the unfortunate difficulties which arise from intemperance. Doubtless had the trial been postponed until the minds of the people had become quiet, and reason and justice enthroned, Stewart would not have been convicted, as he was evidently fleeing for the safety of his life. Stewart and Day, up to that time, had been on intimate terms, no ill feeling between them existing.

In 1868 a young man by the name of William Hamilton, of Ohio, located in Garnett. He was affable and energetic, and soon became a popular citizen, opened a boot and shoe shop, being a boot maker, and soon thereafter opened a boot and shoe store, and was doing a good business. In 1870 he married Miss Susan J. Chamberlain, a young lady highly respected and possessed of considerable property, with whom he lived happily until his death. In 1875 John W. Chamberlain, a brother of Mrs. Hamilton, visited them and shared their hospitalities, remaining about two weeks; then went to Texas, and while there wrote several letters to Ham-



ilton, requesting the loan of money, to which Hamilton replied that he could not spare it from his business. About the last of November Chamberlain returned, and visited them again, and Hamilton let him have one hundred and fifty dollars. Chamberlain left, telling him that he was going to his home in Ohio ; but on the afternoon of December 16, 1875, he returned, met Hamilton at the postoffice, and conversed in a friendly manner, walking along with him to the Citizens Bank, where Hamilton made his daily deposits. Chamberlain followed him into the bank. As Hamilton approached the counter, Chamberlain drew a revolver and shot him in the back of the head, at the base of the brain, killing him instantly. Chamberlain was arrested and held for trial at the March term of court thereafter. He obtained a change of venue to Douglas county, where he was tried at the June term of that court, 1876, found guilty of murder in the second degree, and was sentenced to hard labor in the State penitentiary for twenty-one years.

On the 26th of April, 1871, Isaac M. Ruth, of Lawrence, died very suddenly, and under very suspicious circumstances. A post mortem examination of his body developed the fact that he had come to his death by means of poison. The coroner's jury returned a verdict that he died from the effects of poison, administered to him by one John J. Medlicott. Medlicott was arrested on a charge of murder, and committed to jail to await a trial on such charge,



at the next term of the district court of Douglas county. An information was filed against him for the murder of Ruth. The defendant (Medlicott) filed a petition for a change of venue from the county of Douglas, on account of the bias and prejudice of the citizens of Douglas county against him. The court granted a change of venue, and ordered that the cause be removed to Anderson county for trial, at a special term of the district court of said county, begun on the 9th day of October, 1871. Present: O. A. Bassett, judge; G. A. Cook, sheriff; G. M. Everline, clerk. On the opening of the court the Judge announced that this term of the court had been called for the trial of the case of the State of Kansas vs. John J. Medlicott. The following gentlemen appeared as counsel for the State: Thomas Fenlon, Esq., of Leavenworth; John Hutchings, Esq., county attorney of Douglas county; Col. C. B. Mason, county attorney of Franklin county; and John S. Wilson, county attorney of Anderson county. The defendant was represented by his counsel, Judge S. O. Thacher and W. W. Nevison, Esq., of Lawrence, and W. A. Johnson, of Garnett. Two days were consumed in the selection of a jury. The following is a list of the jurors finally selected and sworn to try the cause: A. Stevens, J. E. White, C. G. Ellis, Sewell Kidder, H. Bevington, John Aldridge, J. J. Douglass, Melvin Cottle, John Forbes, Robert Burke, Michael Glennen and J. Q.

Hutchinson. Col. C. B. Mason delivered the opening address on behalf of the prosecution.

This case occupied some eighteen days in its trial. The jury were kept together in charge of the sheriff for twenty-two days. It was one of the most important criminal trials that has been tried in the State. Most of the leading papers of the country had representatives here reporting the proceedings of the trial, which were published each day as the case progressed. Many eminent scientific witnesses were brought here to testify on the trial of the case. Prominent among them was Prof. Wormley, professor of chemistry and toxicology in the Sterling Medical College, Columbus, Ohio, and author of "Wormley on the Micro-Chemistry of Poisons."

On the morning of the 27th of October the jury, after being out over night, returned into court with a verdict of guilty of murder in the first degree, and the court thereupon sentenced the defendant to be executed by hanging by the neck until dead. The defendant's counsel filed exceptions to the ruling and judgment of the court, and appealed the case to the Supreme Court. On the hearing of the case in the Supreme Court it reversed the judgment of the district court and a new trial was granted. The Supreme Court held that the Ruth letter was improperly admitted in evidence, there being no evidence going to prove that it was written at a time and under such circumstances as to entitle it to be received as the dying declarations of Ruth.

At the March term, 1872, of the district court in Anderson county, the county attorney of Douglas county appeared and entered a *nolle prosequi* in the case. The Ruth letter having been held not to be proper evidence against the defendant, and it being all the evidence that tended to connect Medlicott with Ruth's death, Medlicott was discharged from jail and immediately left the State.

There were many theories and divisions among the people as to the cause of Ruth's death and the guilt of Medlicott. The matter is still a mystery, and will probably so remain.

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## CHAPTER XXIII.

*Names of the Soldiers of Anderson County who Served in the War for the Suppression of the Rebellion—Names of the Heroic Dead, who Sacrificed their Lives in the Cause of their Country.*

ON the 14th day of April, 1861, the whole nation was startled by the announcement that the proud ensign of the nation was lowered from the flag staff of Fort Sumter, and the gallant defenders of

that garrison had been overpowered and compelled to surrender, after two days' fearful cannonading, and a rebellious ensign flaunted as the emblem of a new nationality over a national fortress, from whence the American flag had been lowered. The news, borne by the electric flash throughout the land, was astounding and instantaneous, and men throughout the loyal States were soon clad in full panoply of war. The nation, one day pursuing the usual avocations of peace, is the next in full armor of war. The citizen retired at night a civilian; he arose in the morn a soldier.

The first call for volunteers was made on the 15th of April, the next day after Fort Sumter had surrendered, and on the 30th of May following the first Kansas regiment was mustered into the service and on the march to the front, and thus in quick succession regiment after regiment was recruited and mustered into the service, until, in 1863, Kansas had sixteen regiments and two batteries of artillery in the field. Anderson county was represented by her brave and heroic men in each of these regiments and batteries. They went forth at the call of the country to help suppress the most wicked and stupendous rebellion that had ever characterized the history of a nation, and the gallant sons of Anderson county, in whatever conflict they have been engaged, have permitted none to eclipse their personal bravery.

The Adjutant General of the State, in his report of the Kansas regiments, says :

“The number of Kansas heroes, dead upon a hundred battle fields, attests at once the personal courage of the soldier, and his devotion to the State and his loyalty to the federal Union, who in peace proves his faith by the sweat of his brow, and in war by the blood of his breast.”

The noble and heroic boys of Anderson county who left home and friends and volunteered at their country's call, and went forth to help suppress the rebellion, and imperiled their lives on the many battle fields, or in the prison pens of the South, deserve to be kindly remembered by their surviving comrades and the public generally, and their names should be perpetuated in the history of the country, and their services and sacrifices duly and highly appreciated.

We here append the names of the brave boys of the county who served in the army during the rebellion :

James G. Blunt, lieutenant colonel, Third regiment Kansas volunteers ; promoted to brigadier general, April, 1862, and afterwards to major general.

#### SECOND KANSAS INFANTRY—THREE MONTHS' SERVICE.

Company E—Samuel J. Crawford, captain ; John G. Lindsay, first lieutenant ; Samuel K. Cross, second lieutenant ; Henry Nugent, ensign ; John Johnston, orderly sergeant ; David Wright, R. H. P. Snodgrass, Zach. Norris, Hugh Quinn, sergeants ; James F. Walker, James L. Kercheval, James L. Wilson, corporals ; Henry Neal, Robert Beck, George Bacon, musicians ; Charles Ballance, Thomas H. Ballard, John Campbell, Thomas Dykes, David S. Eaton, Edward Farrah, Jacob Fields, James E. Herd, Albert Johnson, George Johnson, Ezra Kirkland, William Kline, John Norris, Charles Paul, James Paul, Albert



Payne, Alfred Peak, Franklin Royal, Ephraim Reynolds, John W. Ramsey, Ezra Romine, David Ruckel, Albert Saulsbery, David Slater, Theopholis Smith, John Stanton, Abisha Stowell, Henry S. Shamon, James B. Tenbrook, Vardemus Viles, Herman Wilcox, Joseph H. Williams, Samuel Winklepleck, privates.

#### SECOND KANSAS CAVALRY—THREE YEARS' SERVICE.

Company A—Samuel J. Crawford (promoted to colonel of Second Kansas colored), John Johnston (promoted to major), captains; Samuel K. Cross, first lieutenant; Henry Nugent, orderly sergeant; Henry S. Shamon, quartermaster sergeant; Hugh Quinn (promoted to captain in Second Arkansas cavalry), James L. Wilson, Ezra Romine, John P. Hiner, sergeants; Abisha Stowell, Charles T. Williams, James A. Gooch, Edward Wilson, corporals; Barnett Ashburn, Thomas Ballard, John W. Ballard, Stephen M. Bockover, John A. Bockover, Jacob L. Bockover, Abram S. Burch, John Campbell, Jacob Fields, Alexander Graham, Larkin E. Hensley, Jonathan G. Hiatt, Stewart T. Hiatt, Harbert H. Hiner, James E. Herd, John Q. McLaughlin, Newton M. Morris, Preston Morris, Samuel Morris, Albert Payne, William Paul, John W. Ramsey, Albert Saulsbery, Theopholis Smith, Martin V. B. Stailey, William H. H. Stanwood, James B. Tenbrook, William B. Vess, Valentine Weinheimer, Samuel Winklepleck, William Blizzard, George A. Campbell, William H. Channell, privates.

Company C—Leaventine Plummer, John Plummer, privates.

#### FIFTH KANSAS CAVALRY.

Company K—Jeremiah C. Johnson, first lieutenant; Alexander Rush, second lieutenant; August Bondi, sergeant; John W. Pattee, William J. Wade, George Lewis, corporals; Freeman F. Austin, Jacob F. M. Frank, James B. Frank, John Gerth, William B. Lewis, Robert McLaughlin, Thomas Wade, John B. Maness, John B. Stitt, Edward Wade, privates.



## SEVENTH KANSAS CAVALRY.

Company G—D. W. Houston, first lieutenant (promoted to captain of company H, and afterward to lieutenant colonel); Zach. Norris, first lieutenant; William Tefft, quartermaster sergeant; Joseph Y. Alexander, William B. Springer, Miles Morris, Ephraim Reynolds, George W. Arrell, sergeants; James M. Tefft, Noah V. Ness, James F. Hamby, corporals; William N. Hamby, jr., musician; Isaac Morley, farrier; Bernard Setter, saddler; Hiram Driggs, Jesse Harper, William N. Hamby, sen., William Lampman, John W. Minton, Thomas Newton, George H. T. Springer, Pha Tefft, Marcus L. Underwood, William Williams, John W. Young, Alfred W. Jones, John Norris, David Ruckel, James W. Springer, Joseph Wilhite, Daniel O. Kief, Martin Reda, Elijah Pruett, William F. R. Paul, Abner B. Glover, Dorsey McAfee, John Pangborn, Henry Poteet, Joseph O. Smith, Jesse Stephenson, Martin Setter, John Q. Tefft, Melvin Cottle, privates.

## EIGHTH KANSAS INFANTRY.

John Buterbaugh, assistant surgeon.

Company F—George G. Price, sergeant; George W. Mathews, corporal; James M. Day, John H. Day, Abram Rosa, Andrew Richards, Squire Rosa, David Witt, privates.

## NINTH KANSAS CAVALRY.

Charles T. Cooper, regimental commissary.

Company C—Thomas McKnight, sergeant; Benjamin F. Ayres (promoted to first lieutenant), Joseph Mundell, Samuel Mundell, privates.

Company D—Henry M. Anderson, Virgil M. Hollomon, Charles S. McCoon, James Rumley, Thomas J. Rumley, Henry Wiggins, privates.

Company F—Conrad B. Alder, private.

Company H—H. N. F. Reed, second lieutenant (afterwards promoted to captain of company I); David Hester, orderly sergeant (afterwards promoted to first lieutenant

of company C): Jacob R. Shields, William H. Nichols, Edward Bulson, Henry Strickland, Cyrus H. Lowry, Alfred Brown, William P. Aldridge, Charles A. Rankin, James R. Eaton, sergeants; Daniel Harmon, William G. Hill, Thos. Means, Jesse Sutton, John Aldridge, corporals; James M. Aldridge, William Cooper, Ottawa Sutton, Redington J. Shields, Travis Farmer, William Starr, Julian S. White, Herbert Brown, William G. Eaton, John J. Martin, Patrick B. Redington, William Skinner, Elihue Wilson, privates.

#### TENTH KANSAS INFANTRY.

Company C—Charles Brown, sergeant (promoted to first lieutenant, April 1, 1863); Thomas Spencer, John E. Blunt (promoted to first lieutenant in 1862), corporals; Perry Kirkland, musician; Christian Barham, Henry Barham, Abner Heflin, Samuel Strong, Eli Barham, Marcus M. Vinton, Edward C. Ross, James H. Farrah, Thomas R. Fagg, A. R. Garrett, Solomon Kauffman (promoted to first lieutenant, September 11, 1862, and to captain, May 28, 1863), Joseph Kiesler, John A. Kirkland, Joseph King, A. Reynolds, Nathaniel Spriggs, Malichi Tyler, privates.

Company H—Thomas R. Morris, James L. Morris, Hiram Vess, privates.

Company I—Harry W. Stubblefield, sergeant; John Jilison, Thomas D. Masterson, John Martin, John McD. Martin, Mark Perkins, George H. Sater, privates.

#### ELEVENTH KANSAS.

David H. Johnson, hospital steward.

Company F—J. G. Reese, John G. Lindsay, captains; George W. Simons, first lieutenant; Marvin H. Payne, second lieutenant; John Horn, orderly sergeant; David C. Lowe, Francis McShane, William L. Frankenberger, quartermaster sergeants; Samuel H. Furgeson, Eber L. Haywood, David A. Whipp, Thomas S. Kelley, David D. Judy, Lloyd Sparr, sergeants; James L. Kercheval, George Barker, William R. Borrer, Frank Fenhouse, William F. Hiatt,

Christian Rebstock, Frank Minor, Allen G. Poteet, William R. Ingram, Benjamin F. Webb, Hiram Spriggs, William McGrew, James Rogers, Wilber D. West, corporals ; Jonathan Bigelow, farrier ; Wm. Bendall, John Sullivan, buglers ; William Ayass, Henry Ayass, Charles Ashburn, Enoch W. Barker, John Burns, John Bingamon, Nathan W. Barker, Charles W. Backer, Jackson Black, Allen W. Bingamon, Chester Cummings, John Campbell, Robert W. Corker, George W. Carlyle, Charles E. Dewey, Hewitt Dixon, Henry V. Dart, Charles Drake, John B. Dilday, Levi Daniel, John H. Feuerborn, Joshua Griffith, John Hall, Ishum C. Hudnall, Robert Hart, Ira E. Hollomon, John H. Hydorn, Thomas Hunt, Isaac Hull, Joseph M. Hiner, Homer Johnson, Cyrus K. Johnson, Richard A. Jones, Frederick Tochtermann, Robert H. Moore, John R. Montgomery, Abram R. Mumaw, Archibald McGrew, William A. Majors, George Manlove, Addison Morris, Manly M. Minkler, James J. Mason, Addonijah Maness, John P. Oswald, Elisha J. Peters, David S. Peters, Charles Pritchard, Henry Paul, John Pickett, Alexander Rush (promoted to captain in the Second Kansas colored), William Rebstock, John H. Smith, John H. Shultz, John Zeitzler, Samuel S. Stailey, James E. Tanksley, William Vess, John Winklepleck, Henry Westnier, Daniel W. Wright, Charles W. Young, Isaac N. Beeler, Ernestes P. Gilpatrick (promoted to first lieutenant), William D. Hamilton, Chester C. Johnson, Isaac Norton, Henry Putnam, James Paul, James Rogers, Thomas J. Shultz, Thomas Severns, John Severns, John Sutton, John Taylor, Martin McGrew, privates.

## TWELFTH KANSAS INFANTRY.

Thomas Lindsay, assistant surgeon.

Company G—Alexander McArthur, first lieutenant ; Frank H. Crum, orderly sergeant ; William McLaughlin, sergeant ; William M. Agnew, V. M. Hollomon, William Q. Wickersham, Robert Whitson, corporals ; Wilson An-

derson, William Bandle, Joseph L. Eaton, James C. Kelso, Ezra Kesselring, Julius Mathews, Samuel T. Nichols, David R. Pattee, Benjamin F. Pattee, Francis M. Pettit, Louis G. Ragain, George A. Shields, William D. Whitson, William J. Williams, privates.

#### FIFTEENTH KANSAS CAVALRY.

Company M—W. A. Johnson, captain; Jeremiah C. Johnson, commissary sergeant; Charles Paul, sergeant; Calvin G. Chaffee, Thomas Dykes, Elias R. Johnson, James Moore, Hugh McNulty, William E. South, Thomas S. Tyler, privates; Charles W. Warren, musician.

#### SIXTEENTH KANSAS CAVALRY.

Company H—H. W. Stubblefield, captain.

Company L—Jesse Baker, Henry C. Demmison, Henry Gadbery, Jackson Gadbery, Daniel W. Hoover, Isaac Johnson, Martin V. Kimmel, William T. Kimmel, Ranson Mundell, William F. Priest, H. L. Poplin, Charles Sumption, John T. Smith, James South, I. P. Sutton, Jacob C. Sutton, Andrew South, Nathan White, William A. Ward, privates.

W. G. Nichols, John G. McGue, John Pangborn, James Townsley, John R. Sutton, Thomas Townsley, privates.

#### SECOND KANSAS COLORED.

G. W. Walgamott, surgeon; J. R. Montgomery, adjutant; George W. Sands, captain company E.

#### ELEVENTH U. S. COLORED.

Ernestes P. Gilpatrick and Alanson Simons, first lieutenants.

#### FIRST KANSAS BATTERY.

B. P. Brown, private.

#### SECOND KANSAS BATTERY.

William C. Caskey, David Moyer, Thomas Salkeld, J. M. Stigenwalt, A. J. Stigenwalt, privates.

When the wicked rebellion had been suppressed,

and the brave men had been in the service, many of them for more than three years, and encountered all the hardships incident to a soldier's life on the march, in camp or in the din of battle, in the prison pen or the hospital, the survivors of these hardships returned to their homes and families to enjoy the blessings of peace. But on their return many sad hearts ached for the loss of a dear husband, father, brother or son that had gone away in the full strength and vigor of manhood, but had fallen in the cause of his country and is now sleeping in a bloody and unknown grave, leaving his deeds of valor and his sufferings to be told by surviving comrades, and his memory to be perpetuated in history, and his service and sufferings to be appreciated by all loyal and liberty-loving people of the nation.

The following are the names of the heroic dead who sacrificed their lives in the cause of their country :

Albert Saulsbery, private company A, Second Kansas.

Sergeant R. H. P. Snodgrass and corporal Albert Johnson, company E, Second Kansas.

Corporals William J. Wade and George Lewis, and privates Freeman F. Austin, Jacob F. Frank, James B. Frank, John Gerth, William B. Lewis and Robert McLaughlin, company K, Fifth Kansas.

Sergeant Ephraim Reynolds, corporals Noah V. Vess and James F. Hamby, Isaac Morley, farrier, and John Q. Tefft, private, company G, Seventh Kansas.

Sergeant George G. Price, and David Witt, private, company F, Eighth Kansas.



Sergeants Jacob R. Shields, William H. Nichols and Henry Strickland, and privates Redington J. Shields, William Starr, Julian S. White, William Skinner, Samuel Mundell and David P. Bethurem, company H, Ninth Kansas.

Corporal Thomas Spencer, and privates Nathaniel Spriggs, Edward C. Ross, Malichi Tyler and James H. Farrah, company C, Tenth Kansas.

Corporal Benjamin F. Webb, and privates Nathan W. Barker, Charles W. Backer, Robert W. Crocker, Charles Drake, Frederick Tochtermann, Isaac Hull, James J. Mason, Addonijah Maness, John H. Smith, John Winklepleck, Henry Westmier, David W. Wright, Charles W. Young and Isaac N. Beeler, company F, Eleventh Kansas.

Orderly Sergeant Frank H. Crum, and privates Francis M. Pettit and William D. Whitson, company G, Twelfth Kansas.

James Moore, private, company M, Fifteenth Kansas.

Alexander Rush, captain of company H, Second Kansas colored.

Hugh Quinn, captain, Second Arkansas cavalry.

B. P. Brown, private, First Kansas battery.

William G. Nichols and Thomas Townsley, privates, Sixteenth Kansas.

Anderson county had four hundred and twenty volunteers in the service during the rebellion, and out of that number fifty-six were killed and died of disease while in the service.



## CHAPTER XXIV.

### *Trials of Felonies, etc.*

BROCKHOLT TYLER's store in Canton was broken open in the fall of 1861, and a lot of goods were stolen. In January, 1862, a search was made for the stolen goods at the house of a man by the name of J. G. Smythe, living on the Pottowatomie, two miles north of Central City, and about twelve miles distant from Tyler's store. Smythe was a man who had never been suspected of the commission of crime; had always been regarded as an honest man and a worthy christian; but in the search the stolen goods were found in his house. He had on his person some of the goods at the time. The announcement was astounding to every person within Smythe's acquaintance. He was arrested and had a preliminary examination before Wm. Dennis, J. P. The justice found him guilty on the examination, and bound him over for his appearance at the next term of the district court to answer for the larceny. At the March term of the court, 1862, the grand jury found an indictment against him. He was put on trial and found guilty, and sentenced to the penitentiary for a term of one year. It was always a question of grave doubt whether he was guilty of the theft, but

the goods were found in his possession and he was never able to give a satisfactory account of the manner in which he got them. He claimed to have purchased them from a man who was traveling in a two-horse wagon. It is believed by many persons that the store was robbed by a man named Baggs, who was formerly in Tyler's employment. Smythe only remained in prison about two months, when he was pardoned by the Governor. The case being surrounded by such grave doubts, and Smythe's general character being so good, most of the citizens signed a petition for his pardon. Smythe was the first person ever convicted of a felony in the county.

In the winter of 1863 a man by the name of Louis Perrier, a half-breed Indian, living on the Neosho river near the present town of Erie, stole a fine mare from W. J. Bayles. He was pursued to his home and arrested, brought back to Garnett, and put on trial at the March term of court, in 1864, found guilty, and sent to the penitentiary for a term of five years.

George S. Holt's store, in Mount Gilead, was broken open in the spring of 1863. After considerable investigation it was ascertained that a lot of goods such as Holt had lost were in the possession of a colored man by the name of Douglas, at Osa-watomie. A search warrant was issued, and when the officer searched his house a large amount of the goods were found in his possession. He was arrested and brought to Mount Gilead for exam-

ination. He had his trial before D. W. Smith, J. P., admitted his guilt, and implicated other parties with being participants in the crime. They were arrested and tried, but there being no other evidence against them they were discharged. Douglass was committed to jail to answer the crime of larceny and burglary, but was permitted to volunteer in the army, and went into the service, and consequently was never tried or punished for the crime.

In the summer of 1867, when Van Amburgh's show was in Garnett, a difficulty arose between some showmen and Manuel Denny, when a young man by the name of Peter Sells, one of the employes of the show, rushed upon Denny with a large tent pin, with an iron band around the top, and struck Denny over the head, knocking him insensible. Sells was arrested on a charge of an assault with intent to kill, and committed to jail to await his trial. He was tried at the September term of the court in 1867, and found guilty and sentenced to the penitentiary for a term of one year. Sells was a young man, about twenty-two years of age, and a stranger here.

A most unfortunate occurrence took place in the spring of 1868. Isaac Bulson and H. M. Anderson were near neighbors, Anderson living on Bulson's farm. Bulson's horse got into Anderson's corn, when Anderson tied the horse up. Bulson sent his little boys over to Anderson's for the horse, and Anderson sent the boys away without it, and told them to tell their father to come over himself.

Bulson went over to get the horse, and when he was untying it Anderson came out, when a fight took place between them, and in the fight Bulson took out his knife and stabbed Anderson in two or three places. Bulson was arrested on a charge of an assault with intent to kill, was bound over to court, was tried, convicted and sent to the penitentiary for one year. He was pardoned before the expiration of his term. At the time of the trial of this case there was strong prejudice against Bulson, on account of some suits that he had been engaged in in the courts of this county, just previous to this matter.

In the summer of 1869 John Martin stole a horse from C. E. Dewey, and took it to Ottawa and sold it. He was arrested for the larceny, bound over to court, and in the September following he was tried in the district court, found guilty, and sentenced to the penitentiary for a term of five years.

In the summer of 1872 Henry Knox broke into the dwelling house of J. P. Crane, in the night time. Crane woke up and heard foot-steps in his kitchen, got up and went into the kitchen, when he met the burglar. Knox at once attacked Crane, but the latter proved of too great strength for him, so he beat a hasty retreat through one of the back windows and fled. In the scuffle he lost his hat, and in getting through the window got considerably cut by the broken glass. It was so dark that Crane was unable to recognize the man. In the scuffle he bit

Crane on the arm so as to leave visible prints of his teeth for several days. The next day the officers got track of him, and followed him to La Cygne ; arrested him on a charge of burglary, and brought him back. He was tried and convicted, and sent to the penitentiary for a term of seven years. Knox was a stranger in this county ; he lived at Paola.

In 1874 a young man by the name of William Malone was arrested for the larceny of some cattle belonging to Alexander Seber. Malone was tried at the September term of the district court, 1874, found guilty, and sent to the penitentiary for a term of four years.

At the March term of the district court, 1876, Michael Amy was tried for an assault with intent to commit a rape on the person of Myra Hull. Amy was found guilty and sentenced to the penitentiary for a period of four years. Amy is a man about fifty years of age ; the girl alleged to have been assaulted was about twelve or thirteen years old.

In the year 1874 William Denny's house was entered and a lot of clothing stolen. The burglars fled south. They were pursued down the Neosho river to near Iola, and were overtaken, arrested and brought to Garnett, under the charge of burglary and larceny. The men's names were William Fleming and — Paul. Fleming was tried at the March term, 1875, found guilty of burglary in the third degree and larceny, and sent to the penitentiary for a term of three years. The Governor afterward, on



petition, commuted his sentence to two years. Paul was taken from the officers by the United States marshal, before his trial, and taken before the U. S. courts.

In the spring of 1875 Washington Waterman stole a horse from George A. Smith and took it to Wichita, and sold it. Waterman was afterwards arrested at Humboldt, and committed to jail. At the September term of the court he plead guilty to the charge of larceny, and was sentenced to the penitentiary for two years. He is an old man and a hardened criminal.

Since the organization of the county, twenty years ago, there has been one conviction of murder in the first degree, and the convict sentenced to death ; but the execution was prevented by a pardon from the Governor. Two convictions of murder in the second degree, and the convicts sentenced to the penitentiary, one for twelve years and the other twenty-one years. One conviction for manslaughter in the second degree, and the convict sentenced to the penitentiary for five years. There have been ten convictions for various other felonies of a lower grade. There have been fourteen convictions for felonies in the aggregate, thirteen of whom have served a term in the State's prison at hard labor. A great number of others have been charged, and some trials had, but these are the only convictions. Several cases of misdemeanors have been tried and convictions had, principally growing out of viola-



tions of the dram shop laws, petit larceny, assaults and batteries, disturbing the peace, &c. After a careful examination of the calendar of criminal cases in the courts of the county, it is a pleasure to be able to say that the county has had fewer criminal cases on its docket than any other county in the State that has been organized as long, while the law has been as rigidly enforced in this as in any other county.

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## CHAPTER XXV.

*Walker Township—Its Organization—Settlement—Towns—Prominent Men—Elections—Successive Township Officers.*

WALKER TOWNSHIP was established by the board of county commissioners on the 7th day of October, 1857, with the following boundaries: Beginning at the northeast corner of the county, at the northeast corner of section 22, in township 19, of range 21: thence west along the north line of the county five miles, to the northwest corner of section 24, in township 19, of range 20; thence south nine miles, to the

fourth standard parallel, at the southwest corner of section 36, in township 20, of range 20; thence east on said parallel five miles, to the east line of the county, at the southeast corner of section 34, in township 20, of range 21; thence north along said county line nine miles, to the place of beginning; containing an area of 45 square miles. The township was named in honor of Robert J. Walker, Governor of Kansas Territory. The first settlement of whites in the county was made in this township, at the present town of Greeley, in May, 1854. The settlers were Valentine Gerth, Francis Myer, Henry Harmon, Oliver P. Rand, Samuel Mack, J. S. Waitman and Henderson Rice; and, of these persons, Valentine Gerth and O. P. Rand, Mrs. Wm. Tull and Mrs. W. F. Priest, daughters of Henry Harmon, are still residents of the county; and they are the only persons who came to the county as early as 1854 who still reside in it. About the first of May, 1854, V. Gerth and F. Myer came to Kansas Territory with an ox team and a few horses and cattle. They were both unmarried at the time. They came from Missouri, and pitched their tent on the present town-site of Greeley, it being then an old Indian field, the Indians having left during the same spring. Gerth and Myer planted about five acres of corn, and in October following built them a log cabin on the bank of Pottowatomie creek, near where the bridge now spans the stream. At the time they came they found Dr. Lykins three miles east of Paola, and

Henry Sherman, who had settled among the Pottowatomie Indians, at Dutch Henry crossing of Pottowatomie creek. These were the only white settlers west of Missouri on the line of travel of these bold immigrants.

Gerth afterwards selected a claim about one mile south of Greeley, and improved and pre-empted it, and resided thereon until 1868, when he sold it to Rev. Joseph Welsh, and bought unimproved land two miles northeast of Greeley, where he has made him one of the finest farms in the county. He is a native of Saxony, Germany, and has resided in the township ever since its organization, and is doubtless the first white settler in the county. He is a worthy citizen, an industrious farmer, and has passed manfully through the "time that tried men's souls" in this part of the country.

Francis Myer took a claim north of Greeley, and built a log cabin thereon, but, belonging to the Pro-Slavery party, he fled the country in the summer of 1856, having taken part on the Border Ruffian side.

Henry Harmon came with his family in 1854, a short time after Gerth and Myer, and settled north of Greeley, near the junction of the Pottowatomies, where he lived with his family until the 20th of August following, when his wife, Eliza Harmon, died, which was the first death in the county. She was buried near the present residence of Jacob Reese. Her funeral was preached by Rev. W. C. McDow. After the death of Mrs. Harmon, Mr. Harmon sold

his claim to C. H. Price, and moved about ten miles west, on North Pottowatomie, and took and pre-empted another claim, built him a house, and resided there until the beginning of the rebellion, when he and his only son went into the army, served through the war and returned, but soon thereafter he died.

His daughter, Mary Ann, married William Tull, an old and respectable citizen, and now resides with her family near Greeley. The other daughter, Eliza, married Giles Sandlin, with whom she lived for several years on North Pottowatomie, until he died; and she afterwards married W. F. Priest, with whom she lives in Greeley.

Oliver P. Rand came to the Territory in May, 1854, a single man, and in 1856 married Patsy Sutton, daughter of James Sutton. This was the first marriage in the county. Rand is an industrious farmer and worthy citizen, now residing in Reeder township, in the western part of the county.

In the spring of 1855 a large immigration came from the border counties of Missouri, and the struggle soon commenced between the Free State men and Border Ruffians. Prominent among the Free State men that settled in Walker township that spring were Rufus Gilpatrick, W. C. McDow, James Sutton, Hardy Warren, Richard Robinson, Jacob Benjamin, P. D. Maness, Frederick Weimer, A. Bondi, J. F. Wadsworth and many others. Among the most active of the Pro-Slavery men were John

S. Waitman, C. H. Price, David McCammon, Henderson Rice and J. P. Barnaby. When the Pro-Slavery men found they were out-numbered and that Kansas was to be free, many of them took an early departure for Missouri and other slave States.

W. C. McDow was commissioned justice of the peace in 1856, and was afterward elected by the people and served as such for several years.

In the spring of 1857 a postoffice was established at Greeley, and named Walker, and was the first postoffice in the county. Jacob Benjamin was appointed postmaster. A mail route was established in 1857 from Osawatomie, via Walker and Hyatt, to Neosho City. In 1858 the postoffice was removed to Mount Gilead, one mile west of Greeley, and George S. Holt appointed postmaster. The office remained there for several years, but has since been removed to Greeley, and the name changed to "Greeley" postoffice.

The townsite of Greeley was selected in the spring of 1856; surveyed and laid out April 7, 1857. On the 21st day of November, 1857, Jacob Benjamin, August Bondi and Fred. Weimer, associates of the town company of Greeley, filed their plat of said town and a petition in the probate court claiming the right to pre-empt the townsite; and on the 14th day of October following it was pre-empted by George Wilson, probate judge, for the benefit of the occupants of the townsite. In the spring of 1857 building and business commenced lively; but



for want of better material, most of the houses were constructed of logs. In 1857 saw mills were erected and good lumber could be obtained for more substantial buildings. The first store opened in Greeley was by B. F. Smith, in 1857. He kept such articles as were generally needed by the settlers. They were sold at high prices, because of the freight and risk in getting them by wagons and teams from the Missouri river.

In the years 1857-8-9 a heavy immigration settled on the Pottowatomie, and in 1859 the population of the township was as large as it has ever been since.

During the war improvements were almost entirely suspended; but with the return of peace the patriotic soldiers that survived the war returned to enjoy the blessings of a free country, which in its fullness could only be appreciated by them. Then prosperity blessed the country, and Greeley shared its growth, until it now contains three wagon shops, three blacksmith shops, one cabinet shop, one hotel, one general store, one dry goods store, one tin shop, one saw mill, one flouring mill, a commodious school house, and a good church edifice, belonging to the United Brethren denomination.

The general desire for making money and speculation caused the early settlers to lay out townsites in various portions of the Territory; and many townsites failed to become the cities anticipated, and are now known only in the history of the country. One of these towns was organized about the first of Sep-



tember, 1857, and was known by the name of "Pottowatomie," afterwards called "Mount Gilead." The town company was composed of Rufus Gilpatrick, J. G. Blunt, Henry Nugent, Willis Ayres, J. F. Wadsworth and others. September 11, 1857, Dr. Rufus Gilpatrick, president of the Pottowatomie town company, presented a plat of the town of Pottowatomie to John Shannon, a notary public, who made a certificate to the same, setting forth that the lands covered by the plat were claimed as a townsite. On the 21st day of July, 1860, J. G. Blunt, secretary of the Pottowatomie town company, presented for filing in the recorder's office of the county a plat and a survey, made by N. J. Roscoe, surveyor, of the townsite. It was laid out as a rival town to Greeley, being only one-half mile west of that town. The proprietors of Mount Gilead were men of energy, and soon succeeded in getting the postoffice and most of the business removed from Greeley to Mount Gilead; but time proved that the new town was not well located for a prosperous city, on account of the great depth to water; so the enterprise was abandoned, and the townsite has since been inclosed, in connection with several other adjacent tracts, by Gen. Blunt, and is now one of the finest farms in the county.

The first saw mill erected in the township was located by the Mount Gilead town company, on the townsite, in the fall of 1857. The Greeley town company erected a saw and grist mill on their town-

site in the spring of 1858, which did a good business for six or eight years, and then gave place to a better and larger one. John Robinson and — McLaughlin in 1867 built a mill in Greeley that is still in successful operation. In the spring of 1874 Chris. Bouck, of Newel, Iowa, a practical miller and mill-wright, who had been engaged in that business in Iowa for several years, being desirous of locating in a better wheat country, came to Greeley, where the leading business men gave him some inducements, which he accepted, and immediately commenced the construction of a first-class merchant mill; but meeting unexpected reverses in financial matters, was delayed in the completion of the same until in the fall of 1875, when he enlisted J. K. Gardner and John Weaver, of Albany, N. Y., men of capital, to assist him in the enterprise, as partners, and Greeley can now boast of a fine merchant mill in full operation.

The first school taught in the township was by T. Wadsworth, in a cabin on the claim of M. E. Mitchell, for three months, commencing November, 1856. His wages were \$30 per month, and board among the pupils, twelve in number, some of them living a distance of five miles from the school house. This was the first school in the county. The next fall and winter Allen Jaqua taught a term of four months in the same cabin, with an average attendance of twenty pupils.

In the spring of 1857 a Methodist Sabbath school

was organized by W. C. McDow, near his claim, where he acted as superintendent of the school, which was well attended. This was the first Sabbath school in the county.

In the summer of the same year another Sabbath school was organized, with Richard Robinson as superintendent, in Sutton valley.

In 1859 W. H. McClure, Bishop D. Edwards, Henry Hamler and others commenced solicitations for means to build a house of worship at Greeley, for the United Brethren in Christ. The building was commenced and inclosed during the summer of 1860, but was not finished for several years. This was the first church building in the county. A union Sabbath school was organized at the same place during the same spring, with W. H. McClure as superintendent. The number of pupils in this school was about thirty; and the school thus organized, with some degree of success, was kept up for fourteen years, when a denominational school took its place, under the auspices of the United Brethren in Christ, with L. Champe as its superintendent.

#### TOWNSHIP OFFICERS.

At the March election, 1853, for supervisors, J. E. White was elected chairman, and Wesley Spindler and C. W. Culten, members of the board; John T. Lanter, clerk, and J. F. Wadsworth, treasurer.

In March, 1859, J. F. Wadsworth was elected chairman, and C. W. Culten and Iseo Sutton, members of the board.

#### JUSTICES OF THE PEACE.

In March, 1859, the justices of the peace elected were

Samuel Mack, W. C. McDow, James Sutton and James D. Ridgeway.

At the election in December, 1859, under the Wyandotte constitution, Jacob Benjamin and James Sutton were elected justices of the peace; and their term of office commenced in 1861. 1863, D. W. Smith and John Macklin were elected; 1865, W. H. H. Lowry and James Sutton were elected. Lowry resigned in June, 1866, and A. R. Mumaw was appointed to fill the vacancy. 1867, A. R. Mumaw and John Wilson elected; 1869, J. W. Lyon and Henry Wilson elected; 1871, J. W. Lyon and Henry Wilson elected. Lyon left the county in 1872, and D. W. Smith was appointed to fill the vacancy; 1873, William Tull and J. T. Weeden elected; 1875, D. W. Smith and Henry Wilson elected.

#### • TOWNSHIP TRUSTEES.

1860-1-2, Isco Sutton; 1863, William Beeler; 1864, Webster Brown; 1865-6, Isco Sutton; 1867-8, Jesse N. Sutton; 1869, John Fox; 1870-1-2, D. W. Smith; 1873, S. A. Springston; 1874, J. W. Vaughn; 1875, John Poplin.

#### TOWNSHIP TREASURERS.

1868-9-70, M. A. Mitchell; 1871-2-3, W. F. Priest; 1874, W. H. McClure; 1875, John Fox.

#### TOWNSHIP CLERKS.

1868-9-70-1, M. W. Latham; 1872, J. J. Montgomery; 1873, J. W. Lyon; 1874, E. W. White; 1875, J. W. Vaughn.

## CHAPTER XXVI.

### *Organization of Monroe Township—Settlements —Towns—Elections—Successive Officers.*

MONROE TOWNSHIP is situated in the central and northern portions of the county. Its boundaries were first established in October, 1857, containing an area of forty-five square miles, and the first township officers were elected in the spring of 1858. The North and South Pottowatomie creeks run across the township, supplying it with plenty of water and timber. The territory north of North Pottowatomie was cut off and included in Putnam township, which greatly reduces the limits of Monroe. It contains some of the finest valley lands in the county, and has some of the first settled farms in the county.

The first white settler in the township was Patrick Tyler, in the spring of 1855, on the farm now occupied by Judge William Spriggs.

A number of persons settled in the township in the year 1855, among whom were C. E. Dewey, H. H. Williams, Darius Frankenberger, W. L. Frankenberger, M. M. Minkler, Frank Winkley, John H. Rockers, Frederick Rockers, James McGue, Eli P. Bawgus, Samuel Anderson, Wilson Anderson, John Anderson, John McDaniel, John Rogers, Henry Alderman and Henry Feuerborn.

This township was celebrated for its townsites. In the early part of 1856 Garnett was laid out. The history of its location and progress has been given in another chapter in this volume, and will only receive a partial notice here. The town of Canton was located and laid out in 1857, by B. Tyler, on section 23, township 20, range 20. It was laid out as a rival to Garnett. Some improvements were made on its site in 1858-9; but, when the question of the county seat was settled in favor of Garnett, Canton was soon abandoned and left to the roaming herds, but has since been reduced to fine farms by the husbandman. Such was the fate of the once noted rendezvous of intemperance and wickedness.

The town of Shannon was laid out in 1857, by Dr. Preston Bowen. It was named in honor of Wilson Shannon, second Governor of Kansas Territory. Some improvements were made on the townsite in 1857-8; but when the county seat was removed from Shannon to Garnett, in 1859, it went the way of all sublunary things; and the public parks and squares are now part of the fine farm owned by Dr. Bowen.

Another town of some historical notoriety was laid out in 1858, by Dr. G. W. Cooper, adjoining the townsite of Garnett on the south, named Mandovi, and covered as much paper as any town in Kansas, and it took as much paper to make a deed for one of its lots. While this town had no improvements as a town, it had the finest lithographed



map of any in Kansas, which was equivalent to one hundred thousand dollars of buildings for selling purposes. In those days all that was necessary to sell town lots was to stake out the townsite, get a fine lithographic map, and go into the Eastern States with a fine historical sketch of the excellent advantages of the future city, its proximity to large streams and bodies of timber; beautiful valleys of rich soil surrounding it; and great abundance of building stone, for a town of one hundred thousand inhabitants, with positive assurance of a railroad, within a few months, through its limits. These paper towns have failed to bring forth the future profit so beautifully set forth by the oily tongues of the speculators in this species of property.

In 1856 a number of settlers came into Monroe township. Among the more prominent of these are Alanson Simons, B. F. Simons, George Simons, Charles Simons, Samuel McDaniel, Wm. J. Bayles, Thos. Bayles, Marion Fraker, James Y. Campbell, Jacob Troy, W. A. Tipsword, Leon Phillips, F. L. Majors, W. Beddoes, B. Tyler, John H. Pattie, Wm. Tull, G. W. Yandall and Wm. Puett.

The following are the more prominent among the settlers of 1857: C. W. Fraker, Isaac Hiner, D. D. Judy, W. L. Webster, J. L. Bockover, William Spriggs, Geo. S. King, Wm. Smith, W. S. Smith, G. A. Cook, Jonathan Masterson, Thomas Lindsay, C. B. Smith, J. N. Chambers, Nathaniel Cot-

tle, D. D. Lampman, Harvey Springer and J. M. Johnson.

Of the settlers of 1858 the following are the more prominent: D. W. Houston, Charles Norris, Elias Norris, Wm. McLaughlin, John R. Slentz, E. E. Moore, John Parker, Christian Bowman, Norman A. Porter, J. G. Smith, H. Tefft, John S. Stowe, William Tefft and John Johnston.

The prominent settlers of 1859 were James McLaughlin, Robert McLaughlin, C. P. Alvey, S. J. Crawford, Hugh Quinn, J. Graham, Samuel Boyd, G. W. Iler and Wm. Lampman.

#### TOWNSHIP SUPERVISORS.

1858, John McDaniel, chairman; Charles Hidden and William Puett; 1859, C. W. Fraker, chairman; John H. Pattie and Wm. Smith.

#### TOWNSHIP TRUSTEES.

1860-1, Clark B. Smith; 1863, G. W. Arrell. [There was a tie vote between C. B. Smith and G. W. Arrell, which was decided by the board in favor of Arrell.] 1864-5, C. B. Smith; 1866, J. T. Lanter; 1867, J. L. Kerecheval; 1868, John Ricketts; 1869-70-1-2, L. M. Earnest; 1873-4-5-6, R. W. Gailey.

#### TOWNSHIP CLERKS.

1858-9, C. E. Dewey; 1869-70-1-2-3, G. M. Everline; 1874, J. M. Craig; 1875-6, George Patton.

#### TOWNSHIP TREASURERS.

1858, Enoch Barker; 1859, Thomas Lindsay; 1868, M. B. Taylor; 1869-70-1-2-3-4-5-6, John Ricketts.

#### JUSTICES OF THE PEACE.

1858, Henry Feuerborn, M. G. Carr, D. D. Judy and Wm. J. Bayles; 1859, Wm. J. Bayles, Charles Hidden, D.

D. Judy and M. G. Carr; 1860-1, Isaac Hiner and Harvey Springer; 1863, G. W. Iler and G. A. Cook; 1864, Joseph Williams, to fill vacancy caused by the resignation of Iler; 1865, G. A. Cook and James McLaughlin; 1867, G. A. Cook and Harvey Springer; 1869, G. A. Cook and J. W. Rice, both of whom resigned in the fall of the same year. 1870, Milton Mills and James Reber were elected to fill vacancies; 1871, Milton Mills and A. M. Thorne; 1873, G. A. Cook and A. M. Thorne; 1875, G. A. Cook and L. H. Gordon.

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## CHAPTER XXVII.

*Jackson Township—Its Boundaries—Organization—Streams—Soil—Timber—Prominent Settlers from 1855 to 1860—First School—First Marriage—First Death—Successive Township Officers.*

JACKSON TOWNSHIP was established in October, 1857, with the following boundaries: Commencing at the northwest corner of section 19, township 20, range 20; running thence west six miles; thence north nine miles; thence east six miles; thence south nine miles; containing fifty-four square miles, consisting of high, undulating prairie, bottom and

woodland, the latter bordering on Cedar and North Pottowatomie creeks, and their tributaries. The streams furnish an abundant supply of water to every portion of the township. Plenty of good timber, and sand and limestone of superior quality are found skirting the streams. The soil is not surpassed in fertility in the State. The assessor's returns show that it surpasses any other portion of the county in its productiveness.

The board of county commissioners, on the 7th day of April, 1870, formed the township of Putnam, and made the North Pottowatomie the north line of Jackson township, which reduced the township about one-third in area.

The first settlement made in the territory now in the township was on the North Pottowatomie, in 1855. The following are some of the more noted settlers of that year: Granville Fagg, B. L. Adington, Christian Feuerborn, Rezin Porter, Thomas Maloy, James Maloy, John Kirkland, Richard Sandlin, Henry Harmon, Daniel Harmon, Wm. Bundy, Geo. Thompson and John Falls.

In 1856-7, Riley Watkins, John Ramsey, Anson Rudd, James Black, Jackson Black, James A. Dorsey, C. W. Ballard, John Tefft, Benjamin Lawellin, A. Lawellin, Henry Duncan, Wm. Dennis, John Hegetschweler, W. R. Vancoyoc, H. Cavender, J. H. Best, Tillman Dennis and Leander Putnam.

The following are the first officers elected in the township: Rezin Porter, chairman of board of

supervisors ; John R. Kirkland and W. E. Beddoes, supervisors ; J. H. Best, assessor ; J. W. Lawellin, clerk ; Henderson Cavender, treasurer ; William Dennis, Hiram Tefft, John L. Adington, justices of the peace ; W. Tefft and Tillman Dennis, constables.

The first school taught in Jackson township was in a cabin on the claim of Benjamin Lawellin, in the fall of 1858, by Miss Josephine Ramsey.

The first religious services were held in the township at the house of Benjamin Lawellin, in 1857 ; and the first Sabbath school was organized at the same place in 1858.

The first white child born in the township was a son of Richard and Sarah Sandlin, in the year 1856. The first two marriages in the township were solemnized on the same day. The persons married were Giles Sandlin and Eliza Harmon, and Daniel Harmon and Mary Sandlin. There was considerable talk as to the legality of the marriages, in the neighborhood, on the ground that the justice of the peace who solemnized them had not received a commission from the Governor. Legal gentlemen were consulted, who pronounced the marriages legal under the laws of Kansas.

The first death in the township was more than ordinarily sad. It was the accidental killing of Tipsword, an account of which has been given in the foregoing pages.

From 1857 to 1860 a number of prominent men



settled in the township, among whom were G. W. Flint, Thomas Flint, A. D. Jones, James W. Junkins, Thomas G. Headley, Morgan Heflin, B. F. King, B. M. Lingo, B. P. Brown, Dr. Wm. Smith, Wm. Hopkins, Robert McLaughlin, Wm. Severns and John Hurd.

#### TOWNSHIP SUPERVISORS.

1858, Rezin Porter, chairman of the board; John Kirkland and W. E. Beddoes; 1859, John L. Adington, chairman; T. G. Headley and Rezin Porter.

#### JUSTICES OF THE PEACE.

1858, William Dennis, Hiram Tefft, John L. Adington and Leander Putnam; 1860-1, William Dennis and Leander Putnam; 1863, John R. Kirkland and G. W. Flint; 1864, William Dennis, to fill vacancy caused by the removal of John R. Kirkland from the township; 1865, William Dennis and G. W. Flint; 1867, William Dennis and G. A. Marshall; 1868, William Horton, to fill vacancy; 1869, J. T. B. Routh and William Horton; 1871, William Dennis and William Horton; 1873, William Dennis and William Hester; 1875, G. A. Marshall and Thomas Gowdy.

#### TOWNSHIP TRUSTEES.

1860, J. T. B. Routh; 1861, J. W. Junkins; 1862, William Smith; 1863, T. G. Flint; 1864, W. R. Vanscoyoc; 1865, B. M. Lingo; 1866, William Dennis; 1867, Samuel Cruik; 1868-9-70-1, William Dennis; 1872, J. F. Hunt; 1873, L. D. Barnett; 1874, S. A. Herriman; 1875, J. W. Lawellin.

#### TOWNSHIP CLERKS.

1858-9, J. W. Lawellin; 1868, J. J. Osborn; 1869, William Horton; 1870, J. W. Lawellin; 1871-2, J. M. Axtell; 1873, D. W. Hodgins; 1874-5, J. F. Hunt.

#### TOWNSHIP TREASURERS.

1858, Henderson Cavender; 1868, William Severns; 1869,



Thomas Severns ; 1870-1, O. B. Brown ; 1872, John Shelley ; 1873, J. M. Herriman ; 1874, J. F. Douglass ; 1875, C. Marshall.

## CHAPTER XXVIII.

*Reeder Township—Its Early Settlement—Boundaries—Organization—Township Officers, etc.*

AT an adjourned meeting of the board of county commissioners of Anderson county on the 7th day of October, 1857, the county was divided into municipal townships, and that portion of the county commencing at the northeast corner of section 24, township 19, range 18 ; running thence west on the county line eight miles to the northwest corner of the county ; thence south on the county line sixteen miles ; thence east eight miles ; thence north on the range line between ranges 18 and 19, sixteen miles, to the place of beginning, constituted the townships of Reeder and Geary, being each eight miles square, and at a meeting of the board of county commissioners in March, 1858, the township of Geary was added to that of Reeder. Reeder township was

named in honor of Andrew H. Reeder, the first Governor of the Territory; contains an area of 128 square miles, and is watered by North Pottowatomie creek and its numerous branches, the largest of which are Sac, Ianthe, Pomona, Elm, Cherry and Thomas creeks.

The first white settlers in Reeder township were John H. Wolken and family, who came to the county in July, 1855, and settled on a claim near where Central City was afterwards located. He built a cabin and made some other improvements, but there being no settlement nearer than ten miles, and the Indians passing, and frequently stopping at their cabin, his family became alarmed, and in September following he removed with his family some twelve miles farther down the creek, and took a claim where he still resides.

About the first of April, 1856, James Carl, William Dukes and George Hamilton located in the township, on one of the central branches of Pottowatomie creek, and soon thereafter were followed by Allen Dukes, Casey Dukes, John Bobier and Otis Dagget and their families. Mr. Carl and family were formerly from the State of New York. They settled and improved the farm now owned by Samuel Earnest. They sold their claim in the spring of 1857 to James R. Means, and moved to Middle creek, in Franklin county, where they still reside. The Dukes and Hamilton came from Missouri, and were Pro-Slavery men in sentiment. Mr. Bobier and his son-

in-law, Mr. Dagget, came from Canada ; were first-class citizens, and possessed of considerable property and means. Mr. Bobier settled and improved the farm since owned by Jackson Means, while Mr. Dagget made some improvements on the farm afterwards owned by Robert S. Perry. About this time Thomas J. Owens, with his family, took possession of the cabin built and abandoned the previous summer by John H. Wolken, where he resided until the spring of 1857, when he sold his claim for \$800 to Messrs. Marsh and Hoskins, and took a claim near where Garnett is now located.

On the last day of April, 1856, a few days after Col. Buford landed at Kansas City, Missouri, with 300 men, to make Kansas a slave State, Solomon Kauffman and Joseph J. Ingliss, formerly of Pennsylvania, landed at the same place, and on the day following passed through Buford's camp at Westport, Missouri, and on the 3d day of May arrived at Lawrence, Kansas. After spending two weeks in looking over the Territory, they arrived at Mineral Point, on the 17th day of May, where they had a fair view of the western half of the county. Here they determined to stop, and, after visiting some of the settlers, they on the 19th of the same month selected their claims and commenced improving them, under very unfavorable circumstances, having nothing but their axes and hoes to work with. After getting the logs ready for their cabins, Kauffman drove Allen Dukes' breaking team during the

working days of the week, for the use of his team to draw the logs to the place for his cabin on Sunday, that being the only day that he could get the use of the team.

This little settlement was isolated on the Pottowatomie, being fifteen miles from it to the nearest house, and the nearest postoffice or store was at the Sac and Fox Indian agency, a distance of eighteen miles, where either Kauffman or Ingliss would make an occasional trip for their mail, and to learn what was going on in the outside world. The news of the sacking of Lawrence, on the 21st of May, 1856, was not received in this settlement until the week following. It was brought by a Pro-Slavery man named Ivey, and was very much exaggerated. He stated that all of the houses in Lawrence except three were in ashes, when in fact but three houses were burned. The killing of Sherman, Doyle and sons at Dutch Henry crossing of the Pottowatomie was not known for many days, and as soon as received the Dukes and their connections, all being Pro-Slavery, sold their claims and left for Missouri. .

In August following Otis Dagget and family left the Territory, and Kauffman and Ingliss went to Lawrence and enlisted in the Free State cause, leaving but two families, Bobier's and Carl's, in the neighborhood, with Thomas J. Owens and family residing some eight miles to the southeast, on the main Pottowatomie creek, isolated and alone, except when visited by the Indians, with whom he

trafficked, exchanging "firewater" for ponies and pelts.

About the 15th of December, 1856, Kauffman returned to his claim, and with him came John S. Robinson, Charles W. Peckham and William G. Hill, who took claims in the same neighborhood, and were followed soon after by Robert D. Chase, — Caveness and their families.

In the spring of 1857 there was a large immigration into this neighborhood, prominent among which were David Buffon, Cyrus H. James, James R. Means, Jackson Means, William C. Howard, David L. Duff, Rev. Isaac Eaton, John Eaton, Dr. Jacob Messic, Dr. D. B. Swallow, S. S. Tipton, James Donaldson and their families.

On the Fourth of July, 1857, the people in the western part of the township celebrated the nation's birth at Mineral Point, which was the first celebration in the township, and on that day those present gave the name "Mineral Point" to the mound where S. S. Tipton had located.

A military company was organized for mutual protection, the same day. The following is a complete roll of the company :

Captain, J. Aliff; first lieutenant, Levi L. Hayden; second lieutenant, James H. Hadley; first sergeant, S. S. Patton; second sergeant, David P. Bethurem; first corporal, Edward Drum; second corporal, W. W. Whitaker; commissary, Q. A. Jordon; quartermaster, S. S. Tipton; privates, Nelson F. Tipton, George Hinde, Isaac Bethurem, David Sheener, James Caffrey, John Hayes, E. F.



Boughton, Ezekiel Bull, Benj. Folk, John Folk, Isaac Van Camp, John Owen, H. H. Stone, George Linken, Francis Keeny, David F. Tabler, Chas. Boggus, E. W. Parmley, Thomas Runyan, John Groves, Peter Catner, James Hood.

Among the prominent settlers of this year, south and west of Mineral Point, were Levi L. Hayden, David P. Bethurem, D. F. Tabler, A. V. Poindexter, Daniel Lankard, Tobias Lankard, James H. Hadley, Samuel S. Patton, Samuel W. Arrant, T. W. Painter, Christopher Fox, Christian Bowman, Ezekiel Bull, John Groves, John T. Martin, Asa J. Yoder, John C. Kelso and Thomas McElroy.

In the summer the settlement was thrown into great excitement over the disappearance of a noted ox. After considerable search the head and hide were found in a hollow in the neighborhood, and the flesh in a well. The settlers met and organized a people's court—A. V. Poindexter, judge; Asa J. Yoder, clerk; and John Eaton, prosecuting attorney; and the parties suspicioned were placed on trial for stealing the ox. The farce of a trial was continued several days, nearly all the settlers in the immediate neighborhood being present. The court decided that the accused should pay for the ox and leave the Territory. The finding of the court was followed by forcibly compelling the accused and their families to leave the neighborhood, leaving good timbered claims. The parties who were clamorous for them to leave soon commenced cutting and hauling away the timber, to improve their own claims.



In after years the accused returned and commenced suits against the trespassers ; also a number of criminal prosecutions, which kept the settlement in confusion for several years, until many of the participants left the township, and their places were filled with industrious farmers.

The first death that occurred in the township was the wife of John Bobier, who died of consumption, contracted before she came to the Territory. She was buried July 19, 1857, south of the creek, on the farm afterwards owned by Robt. S. Perry.

The first marriage in the township was that of S. S. Patton and Rebecca Tipton, in the winter of 1857. They still reside in the township.

The first child born in the township was George Means, son of Jackson Means, in 1858.

In the spring of 1857 James B. Lowry, D. H. Shields, James S. Duncan and their families located in the eastern part of the township. Lowry was a lawyer, had been practicing his profession prior to leaving Ohio, and continued to practice in this State for three or four years. He was a man of sound judgment, a fine lawyer, and was elected to the House of Representatives of the State in 1861.

In June, Stephen Marsh, Mrs. Hoskins, C. C. Hoskins, Simpson Lake and others from Iowa settled near Central City, in this township. In the following winter John B. Lambdin and his sons put up a good saw mill near Central City, and about the same time the Cresco town company set up a steam saw

mill on a branch of the Pottowatomie, near the farm now owned by Joel T. Walker, which did good service.

On the 16th day of May, 1857, the Cresco town company was formed, with John S. Robinson, president; Wm. C. Howard, treasurer; and Solomon Kauffman, secretary; and was incorporated by an act of the Legislature of February 11, 1858. The company claimed, under the pre-emption act, the southwest quarter of section 21, and the northwest quarter of section 28, township 20, range 18, as a townsite. The company filed a plat of the same in the district land office.

Several buildings were erected the following summer. A blacksmith shop was established by Wm. C. Howard, and a wagon shop by James C. Kelso; also a postoffice, with Wm. C. Howard as postmaster, which was the second postoffice established in the county. Not being on a regular mail route it was supplied by mail from Hyatt, by private conveyance. James C. Kelso succeeded Mr. Howard as postmaster in the spring of 1859, and resigned in the autumn following. James R. Means was then appointed, and the office was moved to his house, some three miles north of Cresco.

The voting precinct for this part of the county was at Cresco, it being centrally located. In the spring of 1859 the inhabitants of the town, and many of the settlers in the neighborhood, caught the "Pike's Peak" gold fever, and the town was

abandoned. The voting precinct was moved to Central City the same fall, where it still remains.

The first store in Central City was established by W. S. Eastwood and H. N. F. Reed, in the summer of 1858. Stephen Marsh and his son Oliver erected a large two-story frame building at Central City, the same year, and established a good store, consisting of dry goods, groceries, hardware, boots and shoes, etc., and it was for several years the best mercantile establishment in the county. The Marshes opened a store in Humboldt in 1860, and J. S. Johnson succeeded them in Central City.

The first school district in the township was organized in 1859, with James R. Eaton, director; James R. Means, treasurer, and Solomon Kauffman, clerk. A school was taught the same year, with Jackson Means as teacher, using an abandoned log cabin, near where Samuel Earnest now resides, for a school house. This was the first school taught in the township, and was well attended. A school was taught in the same cabin the following winter by the same teacher, and in the spring of 1861 a permanent school house site for this district (No. 16) was selected one mile farther west, and a better building erected, which was soon after followed by a good substantial stone building, since known as the Moler school house, and, besides being used for school purposes, it has been used for religious services, Sabbath school and public meetings. The Reeder township fair, in the fall of 1871, was held

at this place, and was equal to our county fairs in former years.

Among the prominent men who settled in this township during 1859 were John L. Hill, Mathew Porter, H. Facklam, A. O. Cooper, H. R. Hall, Robert Burk, James R. Wood, John S. Wood and A. L. Osborn, who took claims and made valuable improvements. A. L. Osborn established a blacksmith shop on the Humboldt road, south of where Cyrus H. Lowry now resides, and afterwards moved to Garnett, where he still carries on the same business.

John L. Hill took a claim on Cherry creek, and commenced improving it, with little or no means. Being a shoemaker by trade, he worked at the bench evenings, on wet days, and when he could spare the time from his plow. He now owns one of the best improved farms in the county, and has located several members of his family on good farms near him. Mathew Porter has improved a fine farm near Central City, and has been a very successful farmer. A. O. Cooper and his sons, William H. and Charles T. Cooper, improved fine farms in the same neighborhood.

Prominent among the settlers in 1860 were John Moler, Peter S. Patton, A. S. Blackstone, Michael Williams, Terance McGrath and A. V. Saunders. John Moler purchased the claim of 160 acres taken and improved by Dr. Messic, and has since purchased other land, and added to it, and has now one

of the largest and best improved farms in the county, which he has stocked with a fine lot of thoroughbred and graded Durham cattle.

In 1857 a settlement was commenced on Ianthe creek, in the northwest part of the township. Prominent among the early settlers were Dr. D. B. Swallow, Joseph Benedum, Daniel Doolin, William Fitzgerald and Michael Glennen.

This is known as the Emerald (or Irish) settlement; it has a postoffice, and a fine church building, erected on an elevated point, where it can be seen for many miles. The congregation is Catholic, of good membership.

In 1865 C. H. Lowry established a steam saw mill on Pottowatomie creek, where he now resides, and continued to operate it for several years. S. W. Arrant built a small mill, run by water power, on his farm, west of Central City, but it never proved successful. A good steam saw mill was established in the spring of 1871, on the farm owned by Michael Williams; was afterwards sold to Smith P. Cornell, who subsequently moved it to Cherry creek, where it is still operated.

#### TOWNSHIP SUPERVISORS.

1858, Solomon Kauffman, chairman; T. W. Painter and Joseph Benedum; 1859, J. R. Eaton, chairman.

#### TOWNSHIP TRUSTEES.

1860, H. N. F. Reed; 1861, Jackson Means; 1862-3-4, S. W. Arrant; 1865-6-7, John S. Johnson; 1868, John Moler; 1869, Jackson Means; 1870, Robert Burk; 1871, Jackson Means; 1872-3, James Legg; 1874, H. C. Reppert; 1875, Henry Facklam.



## TOWNSHIP CLERKS.

1858, Asa J. Yoder ; 1859, — — — — ; 1868-9-70, Daniel Hitchcock ; 1871-2-3, John Aldridge ; 1874, S. A. Baird ; 1875, James McGahey.

## TOWNSHIP TREASURERS.

From 1868 to 1875, inclusive, M. Porter.

## JUSTICES OF THE PEACE.

1858, S. W. Arrant, J. R. Eaton, Milan Grout and Stephen Marsh ; 1860, S. W. Arrant and J. R. Eaton ; 1861, J. R. Eaton and M. Porter ; 1863, H. R. Hall and A. V. Saunders ; 1865, M. Porter and Daniel Doolin ; 1867, M. Porter and Jas. McGahey ; 1869, M. Porter and Robert Burk ; 1871, M. Porter and John H. Keiser ; 1873, J. H. Keiser and Benj. Bacon ; 1874, John Aldridge, to fill a vacancy ; 1875, Thomas McGrath and S. A. Baird.

## CHAPTER XXIX.

*Washington Township—Its Organization—Streams—Timber—Settlement—Successive Township Officers.*

WASHINGTON TOWNSHIP is situated in the geographical center of the county, and contains fifty-six square miles. It is supplied with plenty of timber on Cedar and South Pottowatomie creeks, which furnish abundance of stock water. The township was organized in October, 1857. Henry Williams and Francis A. Hart were appointed justices of the



peace in November, and were the first officers in the township. H. M. Rumley and John B. Dilday were the first white settlers in the township; they located on South Pottowatomie in July, 1855. Ephraim Reynolds came to the settlement in the fall of 1855. None of these now live in the county. Rumley and Dilday removed to Missouri, and Reynolds died in the army, a brave and good soldier, in defense of his country. In the summer of 1856 a number of settlers located in the township, among whom were Miles Morris and Patrick Tyler.

A colony was formed at Lawrence about the first of December, 1856, consisting principally of men who enlisted in the Free State cause in 1856. Thaddeus Hyatt, of New York, and W. F. M. Army, of Bloomington, Ills., took an active part in organizing the colony, Hyatt furnishing the necessary provisions for the colony, numbering more than eighty persons, for the winter of 1856-7, which was unusually severe, to induce them to settle in Anderson county. After John W. Geary, Governor, had established a more peaceable state of affairs, companies of militia were organized, by order of the War Department, to maintain the peace in the Territory. Two companies of militia, all Pro-Slavery men, were stationed at Lecompton; and one company, all Free State men, was to remain at Lawrence. These companies were armed with muskets and accoutrements, clothed and fed by the United States government. The company recruited at Law-

rence was organized about the first of October, 1856, with Samuel Walker, captain, James A. Harvey, first lieutenant, and J. W. Walker, second lieutenant, each of whom had seen some service in our border troubles; and James A. Harvey had served through the war with Mexico. He was colonel of the Third Free State regiment during the troubles of 1856. This company numbered eighty-seven men. After camping out three weeks, and drilling every day, it was supplied with United States uniforms and Sibley tents, and went into camp in the timber west of Lawrence, near the camp of Maj. Wood's battalion of United States infantry, where they performed guard duty until the 30th day of November, 1856, when they were mustered out of the service by Maj. Wood, U. S. A. These eighty men, mostly unmarried, discharged at the beginning of winter, with no employment, and no means to support themselves, nor to return to their homes in the States, were organized into a colony by Thaddeus Hyatt, as heretofore stated, and on the 15th day of December, 1856, proceeded to Anderson county; and on the 18th of December selected the north half of the southeast quarter and the northeast quarter of section 10, and the south half of the southeast quarter of section 3, township 21, range 19; and in a few days thereafter moved their camp on to Cedar creek, just west of the townsite of Hyatt. The colony spent some ten days in selecting claims, there being no settlements on Cedar,

and but three families in the west part of the county at that time. The most of the colonists selected claims on Cedar and South Pottowatomie creeks. The colony lived in tents, enduring many hardships, until April, 1857, when a majority of them went on their claims and commenced improvements. They prepared timbers for a hotel, store and blacksmith shop, which were erected during the winter on the townsite of Hyatt. In the spring of 1857 a saw mill was built—the first erected in the county—and in the fall a grist mill was attached, which did good work for the settlers of the county.

The Hyatt town company was organized in February, 1857, by electing W. F. M. Army, president, and Cyrus J. Farley, secretary. A plat and survey of the townsite was duly filed in the district land office at Lecompton, April 21, 1858, claiming the land described for a townsite under the pre-emption law; a plat was also filed in the office of the probate judge of the county. This town was laid out with the view of making it the county seat.

The first religious services in the township were had at the house of H. M. Rumley, in the fall of 1856, Rev. Terrell officiating. The first birth was a son of Jackson Mason, in 1856; the next was a daughter of J. B. Dilday, in the fall of the same year. A cemetery was established near Hyatt in the summer of 1857.

A store was opened by B. F. Allen, at Hyatt, in the summer of 1857; he kept a general assortment

of dry goods and groceries. In June a postoffice was established, and W. F. M. Army was appointed postmaster.

School district No. 8 was organized in 1858, and Miss Josephine Ramsey taught the first school therein the next fall.

Dr. J. M. Overholts located at Hyatt in the spring of 1857. In July of that year there was much sickness on Cedar and South Pottowatomie creeks, and many deaths ensued, among whom was Col. James A. Harvey, the president of the town company of Hyatt, an honorable member of the colony. Soon thereafter the prospects of the town began to wane. Many left the Territory the same fall; and when the gold excitement of Pike's Peak came, in 1859, many of the colony left for the new Eldorado; and soon thereafter the town was abandoned, Garnett having become the county seat. All that remains of Hyatt now is the story of its rise and fall.

A postoffice was established at Springfield in October, 1858, and A. W. Jones appointed postmaster.

Among the noted settlers that settled on the east side of South Pottowatomie in 1857, in the Springfield neighborhood, were A. W. Jones, Richard Mills, W. M. Manlove, Wm. Whipps and John Horn.

Some of the more prominent men who still reside in the township are Zar Bennett, John Horn, R. H. Cunningham, J. Reynolds, J. M. Johnson, Thomas Thompson, J. W. Oney, John W. Paul, Dr. Broomhall, A. W. Phillips, Thos. Wardell, J. Y. Alexander, Robert Moore, James S. Smith, T. J. Owens and Emery W. Wilson.

#### TOWNSHIP SUPERVISORS.

1858, A. McArthur, chairman; John B. Dilday and Rob-

ert H. Moore; 1859, John B. Dilday, chairman: Robert H. Moore and ———.

## TOWNSHIP TRUSTEES.

1860, A. W. Phillips; 1861, Alexander McArthur; 1862, William Agnew; 1863-4, John W. Paul; 1866, (no record of election); 1867-8-9-70, John Horn; 1871, A. W. Phillips; 1872, W. B. Hamilton; 1873-4, Thomas Thompson; 1875, A. W. Phillips.

## TOWNSHIP TREASURERS.

1858-9, John Horn; 1868, R. H. Cunningham; 1869-70, Miles Morris; 1871-2-3-4-5, J. Y. Alexander.

## TOWNSHIP CLERKS.

1868, Abner B. Glover; 1869-70-1-2-3-4-5, Junius Reynolds.

## JUSTICES OF THE PEACE.

1858, Henry Williams, Francis A. Hart, William Reynolds and A. W. Jones; 1860, John Campbell and Henry Williams; 1861, Henry Williams and William Reynolds; 1863-5, A. W. Phillips and Miles Morris; 1867, Zach. Norris and A. W. Phillips; 1869-71, Zach. Norris and R. H. Cunningham; 1873, R. H. Cunningham and H. J. Morgan; 1874, John Campbell, to fill vacancy.

## CHAPTER XXX.

*Putnam Township—Organization—Prominent Settlers—First School District—First Church Building—Mount Carmel College—Successive Township Officers.*

PUTNAM TOWNSHIP was formed by the county commissioners, April 7, 1870, and named in honor of Leander Putnam. The township is bounded as



follows: Commencing at the northwest corner of Walker township, on the north line of the county; thence west to the line between ranges 18 and 19; thence south to the southwest corner of township 19; thence east to Ianthe creek; thence following the main channel of said creek to Pottowatomie creek; thence down the main channel of Pottowatomie creek to a point where it crosses the line of Walker township; thence north to the place of beginning; containing 30 square miles.

The principal part of the lands of Putnam township are high, rolling prairie. It has, however, good valley lands, and timber along the streams forming its southern boundary. It contains some of the finest farms in the county.

The first settlement in this portion of the county was made by the Rocker family, in 1855, on the north side of the Pottowatomie, and during the summer of 1856 several others came, among whom were Henry Feuerborn, Rezin Porter, Henry Ritter, Eli P. Bawgus, William Tull, Geo. W. Yandall, James McGue and Mrs. Totton.

In the spring of 1857 there was a large immigration to the township. The Scipio colony, spoken of in another chapter, came in this year; as well as many others, who are mentioned elsewhere. The Saint Boniface church is situated in this township; also Mount Carmel college. The first school district in the county was organized in this township in December, 1858, with A. Garrett, James Farrah and M. Puett as a school board, who erected the first school house in the county. The Saint Boniface Catholic church was erected in 1858, and was the first church building in the county. In 1871 the Catholic church organized a college, known as



“Mount Carmel,” and erected a fine building, and have since maintained a good school therein.

## TOWNSHIP TRUSTEES.

1870, J. J. Spencer ; 1871-2-3-4-5, Leander Putnam.

## JUSTICES OF THE PEACE.

1870, G. W. Flint and J. M. Perrine ; 1872, G. W. Flint and J. J. Spencer ; 1874, G. W. Flint and F. Lichteig.

## TOWNSHIP TREASURERS.

1870, Leander Putnam ; 1871-2-3-4, A. C. Messenger ; 1875, A. R. Smith.

## TOWNSHIP CLERKS.

1870-1-2, Melvin Cottle ; 1873-4, J. F. Ricketts ; 1875, J. Taylor.

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 CHAPTER XXXI.

*Lincoln Township—Boundaries—Organization—Prominent Settlers—Elba Town Company—Successive Township Officers.*

LINCOLN TOWNSHIP was formed and its boundaries established October 3, 1870, as follows : Commencing on the east line of Anderson county, at the northeast corner of section 3, township 21, range 21 ; thence west to the northwest corner of section 4, township 21, range 20 ; thence south to the line dividing ranges 21 and 22 ; thence east to the county line ; thence north to the place of beginning ; containing 48 square miles.

The first settlement in the township was in May, 1857, by Daniel Elsbury, on North Sugar creek, and

during the year the following persons also settled in the township: John Lawrence, Charles Vanguilder, Wm. Taylor, H. K. Robinson, Wesley Spindler, Mrs. Fry, Dr. J. W. Swank, M. E. Osborn, Benjamin Peoples, James D. Ridgeway, B. F. Ridgeway, S. B. Miller, Mrs. Ashburn. Among those of 1858 were R. H. P. Snodgrass, Riley Lawrence, Geo. Enoch, James Lowry, David Wright, A. W. Ross, Wm. Vess, Blaine A. Vess, Cyrus Morris, Presley Morris, Adison Morris, Samuel Morris, Anthony Holloman and Virgil Hollomon. Prominent settlers of 1859 were C. T. Chapin, Samuel McCollum, Daniel McCollum, Nelson Tusteson, James Hourigan, Wm. Rebstock and Christian Rebstock.

The township is watered by several streams, which supply an abundance of good water. Timber is rather scarce. It contains numerous beautiful round mounds, and a great variety of valley land; and the soil of the township is about an average with other parts of the county.

The first death in the township was Mrs. Snodgrass, in July, 1858.

Elba town company was organized January 23, 1858, composed of Harvey Springer, B. F. Ridgeway, A. G. Poteet and William Springer. The company surveyed and laid out a town on the west half of section 8, township 21, range 21, and filed a plat thereof with the probate judge of the county, and asked that the land so platted be pre-empted as a townsite; but this town never had any existence except on paper, and was never pre-empted, the company wisely concluding that it was useless to spend time and money in attempting to build a town on the site.

The first election in the township was held on the

day of the general election in November, 1870.

TOWNSHIP TRUSTEES.

1870-1-2, M. E. Osborn; 1873, A. E. Rogers; 1874, Ed. Stein; 1875, D. M. Osborn.

TOWNSHIP TREASURERS.

1870-1-2-3-4, B. A. Vess; 1875, M. E. Osborn.

TOWNSHIP CLERKS.

1870-1-2-3, Ed. Stein; 1874, James Knight; 1875, D. McCollum.

JUSTICES OF THE PEACE.

1870, David Wright and M. Osborn; 1871-3, D. M. Osborn and J. Brown; 1875, E. L. Peavey and G. W. Smith.

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## CHAPTER XXXII.

*Ozark Township — Organization — Streams — First Election — Town of Colony — Ohio and Indiana Colony — Successive Township Officers.*

ON the 10th day of May, 1859, Ozark township was established by the board of county supervisors, bounded as follows: All that portion of the county lying south of township 21, being nine miles wide and twenty-four miles long. There is a high elevation of land running across the township, known as the Ozark ridge, which divides the waters of the Arkansas and Missouri rivers. Cedar and South Pottowatomie creeks head in this township, and flow toward the Missouri river, and Indian and Deer creeks rise in the same township, and flow toward the Arkansas river. The lands of this township

are principally high, undulating prairie, but it has some beautiful valley lands along the streams.

The first settlement was made in the township on Deer creek, by Giles Sater, in the fall of 1855. He brought two slaves with him, and kept them until 1860. Thos. J. Day settled on Deer creek in the same year. He was one of the first commissioners of Allen county. In 1857 he moved into Anderson county. Deer creek was thus named by Day, on account of the great number of deer on that stream. He also gave Indian creek its name, because of finding a new-made Indian grave on its banks, the grave being marked by a stone with a buck carved upon it.

Among the settlers of 1856-7, on Deer creek, were Alexander Martin, Hiram Cable, David Martin, W. Stubblefield, J. P. Pitsford, James Buford, H. P. Lawrence, Henry Sater, John Williams, Mrs. Dorothy Jones. Among those who settled on Indian creek about the same time were: Mrs. Margaret Wiggins, John Stiginwalt, J. P. Whicher, William Denny and A. P. Clark. On the Osage, in this township, were A. G. West, John Hall and Joseph C. Mills.

In 1859 Joseph Price, Thos. J. Day and James A. Dorsey associated themselves together as a town company, and located and laid out Elizabethtown, on section 15, township 23, range 19. Soon thereafter a little store was opened there by W. Stubblefield & Co. They procured a postoffice at that place in the same year.

The first election was held in the township June 7, 1859.

The territory originally included in Ozark township has been divided into Ozark, Rich and Indian Creek townships.

Among the settlers on Deer creek from 1859 to 1862 are John Jones, John McD. Martin, B. B. Rockwood, Joseph Price, Dr. P. T. Mathews, S. L. Fullenwider, S. M. McCoon and G. W. Sands.

In 1870 the Leavenworth, Lawrence & Galveston railroad was completed to the south line of the county, and a station was located near the north line of the township, called Welda; another station was located on section 6, township 22, range 19, called Divide; at which there has since been a town laid out, and the name changed to Colony. In the spring and summer of 1871 a colony was organized in Ohio and Indiana, under the leadership of some energetic men, such as Col. Henry Wilson, of Sidney, Ohio, Col. N. Bostwick, of Mt. Vernon, Ohio, J. J. Fairbanks, of Indianapolis, Ind., and J. G. Norton, of Cincinnati, Ohio, and, after examining the State of Kansas and Colorado Territory, they selected the present site in this township, and in March, 1872, the colonists began to arrive, and by the middle of May about one hundred persons had come. After their arrival the colonists elected Col. Henry Wilson, president; J. J. Fairbanks, vice president; J. P. Ewing, secretary; and D. W. Ream, treasurer. The colonists have improved some good farms in the vicinity of the town of Colony. The town now numbers about eighty-five inhabitants, has one hotel, one store, one blacksmith shop, wagon shop, a real estate office and postoffice. It is a healthful and beautiful place, and has a class of good, energetic citizens. J. J. Fairbanks built the first dwelling house in the town in the winter of 1872. Dr. J. M. Ford has a first-class dry-goods and grocery store in the town, and does a good business, being also a good physician.



## TOWNSHIP SUPERVISORS.

1859. G. W. Sands, chairman; John Pitchford and Henry Sater.

## TOWNSHIP TRUSTEES.

1860. G. W. Sands; 1861-2, John Volk; 1863-4-5-6-7, A. G. West; 1868, Joseph Price; 1869, B. B. Rockwood; 1870, Joseph Price; 1871, William Denny; 1872-3, Joseph Price; 1874, J. H. Campbell; 1875, S. B. Gamble.

## TOWNSHIP CLERKS.

1859, H. P. Lawrence; 1868, Sylvester Durall; 1870, S. W. Boring; 1871, A. B. Wandall; 1872, E. W. Pomeroy; 1873, E. F. Ewing; 1874, Geo. Mathews; 1875, F. C. Ewing.

## TOWNSHIP TREASURERS.

1859, Hiram Cable; 1868, P. T. Mathews; 1869, T. A. Wetherman; 1870, Joseph Walker; 1871, S. W. Boring; 1872, George West; 1873, Alfred Cook; 1874-5, Thomas J. Day.

## JUSTICES OF THE PEACE.

1859, John Williams; 1860, Joseph Price and J. D. Hosley; 1863, Joseph Price and F. R. Marsh; 1864, A. G. West, to fill vacancy; 1865-6-7-8-9, A. G. West and Joseph Price; 1871, J. B. Rhodes and E. W. Pomeroy; 1873, J. B. Rhodes; 1875, J. B. Rhodes and J. J. Fairbanks.

## CHAPTER XXXIII.

*Rich Township—Boundaries—Soil—Streams—Timber—Coal—Early Settlers—First Election—Successive Township Officers.*

RICH TOWNSHIP was formed by the county commissioners July 29, 1870, bounded as follows: Commencing at the northwest corner of township 22, range 20; running south nine miles, to the south



line of the county; thence east ten miles, to the southeast corner of the county; thence north nine miles; thence west ten miles, to the place of beginning; containing ninety square miles. The surface of the township is generally undulating prairie: soil, fertile. There is some good valley land along the streams. The township is furnished with abundance of stock water by the Osage river, Sugar creek, Deer creek and their tributaries. There is but little timber, but an abundance of coal in the township. These coal beds furnish fuel for the surrounding country. The people have adopted the herd law, and many farms are cultivated without fences until hedges can be grown. The greater number of the settlers in the township were soldiers during the rebellion, and have settled here since the war, on homestead land. It contains many good farms and enterprising men.

The first settlement was on the Osage, in 1857, by A. G. West, John Hall, Joseph C. Mills, F. R. Marsh, J. D. Hosley, E. D. Hosley, S. F. West, and C. G. Ellis. The following are some of those who settled in the township in later years: Joseph Walker, Charles Reynolds, Morgan Ferguson, Alex. McNutt, R. C. Ploughe, D. C. Richner, S. Durall, J. Q. Bowdell, David Barton, Samuel Miller, Vincent Sisson, J. A. Bell, S. D. Anderson, John H. Shawver, Robt. Gray, Pha Tefft, Caleb Frazer and Adam Frazer.

The first election in the township was held at McNutt's school house, August 27, 1870.

#### TOWNSHIP TRUSTEES.

1870, R. C. Ploughe; 1871, Sylvester Durall; 1872, James A. Bell; 1873, J. M. Shreves; 1874, J. B. Ferguson; 1875, J. R. McCoy.

## TOWNSHIP TREASURERS.

1870-1-2, D. C. Richner; 1873-4, W. C. Routzong; 1875, J. B. Ferguson.

## TOWNSHIP CLERKS.

1870, Sylvester Durall; 1871, P. McNall; 1872, J. Q. Bowdell; 1873, J. B. Ferguson; 1874, J. S. Hamilton; 1875, B. F. Riber.

## JUSTICES OF THE PEACE.

1870, J. Q. Bowdell and James Rasbough; 1871, Morgan Ferguson and John Hall; 1873-5, Samuel Miller and John H. Shawver.

## CHAPTER XXXIV.

*Indian Creek Township—Organization—First Settlement—Streams—Successive Township Officers.*

INDIAN CREEK TOWNSHIP was established by the board of county commissioners July 10, 1873, and its boundaries fixed as follows: Beginning at the southwest corner of the county; running thence east along the south line of the county six miles, to the northeast corner of section 15, township 23, range 18; thence north nine miles, to the north line of Ozark township, at the northeast corner of section 3, township 22, range 18; thence west along the south line of Reeder township, to the west line of the county, at the northwest corner of section 2, township 22, range 17; thence south along the west line of the county, to the place of beginning; containing fifty-four square miles.

The first election for township officers was at the general election in November, 1873.

The township is composed of high, undulating prairie land, of average soil. Cedar creek rises in this township and flows northward. Indian creek runs across the township, furnishing plenty of stock water. Martin's creek rises in the southeastern part of the township and flows southward. This township has but little timber. It lies near the Neosho river, from which it gets most of its timber. The township includes some of the finest grazing country in the county.

The first settlement in the township was made on Indian creek, in 1857, by Mrs. Margaret Wiggins and family. Soon after her come, John Stiginwalt, F. P. Whicher, A. P. Clark, Thomas Stiginwalt, and William Denny.

Since the war the following gentlemen have settled in the township: Squire Worrell, E. W. Pomeroy, G. O. Howard, Allen W. Fox, C. C. Leach, Milton J. Boyd, Geo. W. McDaniel, M. N. Sinnott, A. L. Rogers, Richard Cave, Benj. Sharp, D. Mortimer and C. W. Spencer.

#### TOWNSHIP TRUSTEES.

1873-4-5, M. N. Sinnott.

#### TOWNSHIP CLERKS.

1873, John A. House; 1874, A. Babcock; 1875, A. L. Rogers.

#### TOWNSHIP TREASURERS.

1873-4, Richard Cave; 1875, A. W. Fox.

#### JUSTICES OF THE PEACE.

1873, R. G. Ellsworth; 1874, Benjamin Sharp; 1875, C. C. Leach and C. W. Spencer.

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